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Resolution adopted by the General Assembly on 19 December 2017

[*on the report of the Third Committee (A/72/439/Add.2)*]

72/178. The human rights to safe drinking water and sanitation

The General Assembly,

Recalling its resolutions 64/292 of 28 July 2010, in which it recognized the right to safe and clean drinking water and sanitation as a human right that is essential for the full enjoyment of life and all human rights, and 70/169 of 17 December 2015, entitled "The human rights to safe drinking water and sanitation",

Reaffirming all previous resolutions of the Human Rights Council regarding the human rights to safe drinking water and sanitation, inter alia, Council resolution 33/10 of 29 September 2016,[1]

Recalling the Universal Declaration of Human Rights,[2] the International Covenant on Economic, Social and Cultural Rights,[3] the International Covenant on Civil and Political Rights,[3] the International Convention on the Elimination of All Forms of Racial Discrimination,[4] the Convention on the Elimination of All Forms of Discrimination against Women,[5] the Convention on the Rights of the Child[6] and the Convention on the Rights of Persons with Disabilities,[7]

Recalling also its resolution 70/1 of 25 September 2015, entitled "Transforming our world: the 2030 Agenda for Sustainable Development", in which it adopted a comprehensive, far-reaching and people-centred set of universal and transformative Sustainable Development Goals and targets,

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[1] See *Official Records of the General Assembly, Seventy-first Session, Supplement No. 53A* and corrigendum (A/71/53/Add.1 and A/71/53/Add.1/Corr.1), chap. II.
[2] Resolution 217 A (III).
[3] See resolution 2200 A (XXI), annex.
[4] United Nations, *Treaty Series*, vol. 660, No. 9464.
[5] Ibid., vol. 1249, No. 20378.
[6] Ibid., vol. 1577, No. 27531.
[7] Ibid., vol. 2515, No. 44910.

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Recalling further the Rio Declaration on Environment and Development of June 1992[8] and its resolution 66/288 of 27 July 2012, entitled "The future we want", and emphasizing the critical importance of water and sanitation within the three dimensions of sustainable development,

Reaffirming its resolution 71/222 of 21 December 2016, by which it proclaimed the period 2018–2028 the International Decade for Action, "Water for Sustainable Development",

Recalling its resolution 71/256 of 23 December 2016, entitled "New Urban Agenda", adopted by the United Nations Conference on Housing and Sustainable Urban Development (Habitat III), held from 17 to 20 October 2016 in Quito, which promotes equitable and affordable access to sustainable basic physical and social infrastructure for all, without discrimination, including safe drinking water and sanitation,

Recalling also the designation, pursuant to General Assembly resolutions 47/193 of 22 December 1992 and 67/291 of 24 July 2013, of 22 March as World Water Day and 19 November as World Toilet Day, which are important opportunities to promote, among other issues, awareness of the human rights to safe drinking water and sanitation and of the remaining challenges in this regard,

Recalling further that, in its resolution 67/291, entitled "Sanitation for All", it encouraged all Member States, as well as the organizations of the United Nations system and international organizations and other stakeholders, to approach the sanitation issue in a much broader context and to encompass all its aspects, including hygiene promotion, the provision of basic sanitation services, sewage and wastewater treatment and reuse in the context of integrated water management,

Taking note of the relevant commitments and initiatives promoting the human rights to safe drinking water and sanitation made at the 2014 high-level meeting of the Sanitation and Water for All partnership and in the Ngor Declaration on Sanitation and Hygiene, adopted at the fourth African Conference on Sanitation and Hygiene, in 2015, the Dhaka Declaration, adopted at the sixth South Asian Conference on Sanitation, in 2016, the Lima Declaration, adopted at the fourth Latin American and Caribbean Conference on Sanitation, in 2016, and the Dar es Salaam road map for achieving the Ngor commitments on water security and sanitation in Africa, adopted at the sixth Africa Water Week, in 2016, and in the call for action of the high-level symposium on the theme "Sustainable Development Goal 6 and targets: ensuring that no one is left behind in access to water and sanitation", held in Dushanbe from 9 to 11 August 2016,

Recalling general comment No. 15 (2002) of the Committee on Economic, Social and Cultural Rights on the right to water (articles 11 and 12 of the International Covenant on Economic, Social and Cultural Rights)[9] and the statement on the right to sanitation of the Committee of 19 November 2010,[10] as well as the reports of the Special Rapporteur of the Human Rights Council on the human rights to safe drinking water and sanitation,

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[8] *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3–14 June 1992*, vol. I, *Resolutions Adopted by the Conference* (United Nations publication, Sales No. E.93.I.8 and corrigendum), resolution 1, annex I.

[9] *Official Records of the Economic and Social Council, 2003, Supplement No. 2* (E/2003/22), annex IV.

[10] Ibid., *2011, Supplement No. 2* (E/2011/22), annex VI.

Welcoming the work of the World Health Organization and the United Nations Children's Fund in the 2017 update published by their Joint Monitoring Programme for Water Supply and Sanitation,[11]

Welcoming also the fact that, according to the Joint Monitoring Programme report, an estimated 71 per cent of the global population uses a safely managed drinking water service system, while being deeply concerned, however, that 12 per cent of the global population still lacks even a basic drinking water service,

Deeply concerned that 4.5 billion people lack a safely managed sanitation service, 2.3 billion people still lack even a basic sanitation service and 892 million people worldwide still practise open defecation, which is one of the clearest manifestations of poverty and extreme poverty,

Deeply concerned also about the lack of access to adequate water and sanitation services and its dramatic consequences for the overall health situation in humanitarian crises, including in times of conflict and natural disaster, acknowledging that people living in countries affected by conflict, violence and instability are four times as likely to lack basic drinking water and twice as likely to lack basic sanitation as people living in unaffected countries,

Deeply concerned further that women and girls often face, especially in humanitarian crises, including in times of conflict or natural disaster, particular barriers in accessing water and sanitation and that they shoulder the main burden of collecting household water in many parts of the world, restricting their time for other activities, such as education and leisure, or for earning a livelihood,

Deeply concerned that the lack of access to adequate water and sanitation services, including for menstrual hygiene management, especially in schools, contributes to reinforcing the widespread stigma associated with menstruation, negatively affecting gender equality and women's and girls' enjoyment of human rights, including the right to education and the right to the enjoyment of the highest attainable standard of physical and mental health,

Deeply concerned also that women and girls are particularly at risk and exposed to attacks, sexual and gender-based violence, harassment and other threats to their safety while collecting household water and when accessing sanitation facilities outside their homes or practising open defecation,

Deeply alarmed that water, sanitation and hygiene-related diseases hit children the hardest and that, in humanitarian crises, including in times of conflict or natural disaster, children suffer the most from interruptions in water and sanitation services, and underscoring that progress on reducing child mortality, morbidity and stunting is linked to children's and women's access to safe drinking water and sanitation,

Welcoming the fact that the Joint Monitoring Programme for Water Supply and Sanitation has established an extensive global database and has been instrumental in developing global norms to benchmark progress, while taking into consideration the fact that official figures very often do not fully capture all the dimensions of the human rights to safe drinking water and sanitation,

Deeply concerned that non-existent or inadequate sanitation facilities and serious deficiencies in water management and wastewater treatment can negatively affect water provision and sustainable access to safe drinking water and that, according to the United Nations World Water Development Report 2017, over

[11] World Health Organization/United Nations Children's Fund, *Progress on Drinking Water, Sanitation and Hygiene: 2017 updates and SDG baselines* (Geneva, 2017).

80 per cent of the world's wastewater, and over 95 per cent in some of the least developed countries, is released into the environment without treatment,

Affirming the importance of continually improving the availability of high-quality, accessible, timely and reliable disaggregated data on progress related to safe drinking water and sanitation services as an indispensable means for States to plan for, implement and monitor the progressive realization of the human rights to safe drinking water and sanitation for all,

Stressing the importance of monitoring and reporting on the implementation of the internationally agreed Sustainable Development Goals and targets, including the Goal on ensuring the availability and sustainable management of water and sanitation for all,

Recognizing that, in progressively realizing the human rights to safe drinking water and sanitation, as well as other human rights, States should increasingly pursue integrated approaches and strengthen their water resource management, including by improving wastewater treatment and by preventing and reducing surface and groundwater pollution,

Emphasizing that national legislation and policies are crucial to the progressive realization of the human rights to safe drinking water and sanitation,

Affirming the importance of regional and international technical cooperation, where appropriate, as a means to promote the progressive realization of the human rights to safe drinking water and sanitation, without any prejudice to questions of international water law, including international watercourse law,

Reaffirming the responsibility of States to ensure the promotion and protection of all human rights, which are universal, indivisible, interdependent and interrelated, and must be treated globally, in a fair and equal manner, on the same footing and with the same emphasis,

Recalling that the human rights to safe drinking water and sanitation are derived from the right to an adequate standard of living and are inextricably related to the right to the highest attainable standard of physical and mental health, as well as to the right to life and human dignity,

Expressing concern that climate change has contributed and continues to contribute to the increased frequency and intensity of both sudden-onset natural disasters and slow-onset events, and that these events have adverse effects on the full enjoyment of all human rights, including the human rights to safe drinking water and sanitation,

1. *Reaffirms* that the human rights to safe drinking water and sanitation, as components of the right to an adequate standard of living, are essential for the full enjoyment of the right to life and all human rights;

2. *Recognizes* that the human right to safe drinking water entitles everyone, without discrimination, to have access to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic use, and that the human right to sanitation entitles everyone, without discrimination, to have physical and affordable access to sanitation, in all spheres of life, that is safe, hygienic, secure, socially and culturally acceptable and that provides privacy and ensures dignity, while reaffirming that both rights are components of the right to an adequate standard of living;

3. *Welcomes* the work of the Special Rapporteur of the Human Rights Council on the human rights to safe drinking water and sanitation, and takes note with

appreciation of his reports on development cooperation,[12] as well as his report on service regulation and the human rights to safe drinking water and sanitation;[13]

4. *Calls upon* States:

(a) To implement the internationally agreed Sustainable Development Goals and targets,[14] including the Goal on ensuring the availability and sustainable management of water and sanitation for all, consistent with their obligations under international law;

(b) To ensure the progressive realization of the human rights to safe drinking water and sanitation for all in a non-discriminatory manner while eliminating inequalities in access, including for individuals belonging to groups at risk and to marginalized groups, on the grounds of race, gender, age, disability, ethnicity, culture, religion and national or social origin or on any other grounds;

(c) To continuously monitor and regularly analyse the status of the realization of the human rights to safe drinking water and sanitation;

(d) To identify patterns of failure to respect, protect or fulfil the human rights to safe drinking water and sanitation for all persons without discrimination and to address their structural causes in policymaking and budgeting within a broader framework, while undertaking holistic planning aimed at achieving sustainable universal access, including in instances where the private sector, donors and non-governmental organizations are involved in service provision;

(e) To promote both women's leadership and their full, effective and equal participation in decision-making on water and sanitation management and to ensure that a gender-based approach is adopted in relation to water and sanitation programmes, including measures, inter alia, to reduce the time spent by women and girls in collecting household water, in order to address the negative impact of inadequate water and sanitation services on the access of girls to education and to protect women and girls from being physically threatened or assaulted, including from sexual violence, while collecting household water and when accessing sanitation facilities outside of their home or practising open defecation;

(f) To progressively eliminate open defecation by adopting policies to increase access to sanitation, including for individuals belonging to vulnerable and marginalized groups;

(g) To approach the sanitation issue in a much broader context, taking into account the need to pursue integrated approaches;

(h) To consult and coordinate with local communities and other stakeholders, including civil society and the private sector, on adequate solutions to ensure sustainable access to safe drinking water and sanitation;

(i) To enhance efforts to substantially reduce the share of untreated wastewater released into the environment and to ensure that plans and programmes for improving sanitation services take into account the need for appropriate systems for the treatment of sewage produced, including disposal of infant faeces, with the aim of reducing the risks to human health, drinking water resources and the environment;

[12] A/71/302 and A/72/127.
[13] A/HRC/36/45.
[14] Resolution 70/1.

(j) To provide for effective accountability mechanisms for all water and sanitation service providers, including private sector providers, to ensure that they respect human rights and do not cause or contribute to human rights violations or abuses;

5. *Calls upon* non-State actors, including business enterprises, both transnational and others, to comply with their responsibility to respect human rights, including the human rights to safe drinking water and sanitation, including by cooperating with State investigations into allegations of abuses of the human rights to safe drinking water and sanitation, and by progressively engaging with States to detect and remedy abuses of the human rights to safe drinking water and sanitation;

6. *Invites* regional and international organizations to complement efforts by States to progressively realize the human rights to safe drinking water and sanitation;

7. *Calls upon* Member States to enhance global partnerships for sustainable development as a means to achieve and sustain the Goals and the targets of the 2030 Agenda for Sustainable Development,[14] and highlights that the 2030 Agenda marks a paradigm shift towards a more balanced and integrated plan of action for achieving sustainable development that reflects the indivisibility and interdependence of all human rights;

8. *Reaffirms* that the high-level political forum on sustainable development, under the auspices of the General Assembly and the Economic and Social Council, has the central role in overseeing follow-up and review at the global level, and encourages Member States to share their experiences and best practices with regard to the Goals under review during the 2018 high-level political forum, including the Goal of ensuring the availability and sustainable management of water and sanitation for all;

9. *Also reaffirms* that States have the primary responsibility to ensure the full realization of all human rights and to endeavour to take steps, individually and through international assistance and cooperation, especially economic and technical cooperation, to the maximum of their available resources, with a view to progressively achieving the full realization of the rights to safe drinking water and sanitation by all appropriate means, including, in particular, the adoption of legislative measures;

10. *Stresses* the important role of the international cooperation and technical assistance provided by States, specialized agencies of the United Nations system and international and development partners, as well as by donor agencies, and urges development partners to adopt a human rights-based approach when designing and implementing development programmes in support of national initiatives and plans of action related to the rights to safe drinking water and sanitation;

11. *Decides* to continue its consideration of the question at its seventy-fourth session.

73rd plenary meeting
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72/179. Protection of migrants

The General Assembly,

Recalling all its previous resolutions on the protection of migrants, the most recent of which is resolution 70/147 of 17 December 2015, and recalling also Human Rights Council resolutions 35/17 of 22 June 2017 and 35/5 of 28 September 2017,[1]

Reaffirming the Universal Declaration of Human Rights,[2] which proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race,

Reaffirming also that everyone has the right to freedom of movement and residence within the borders of each State and the right to leave any country, including his or her own, and to return to his or her country,

Reaffirming further that everyone has the right to recognition everywhere as a person before the law,

Recalling all relevant international instruments, particularly the International Covenant on Civil and Political Rights[3] and the International Covenant on Economic, Social and Cultural Rights,[3] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[4] the International Convention for the Protection of All Persons from Enforced Disappearance,[5] the Convention on the Elimination of All Forms of Discrimination against Women,[6] the Convention on the

[1] See *Official Records of the General Assembly, Seventy-second Session, Supplement No. 53* (A/72/53), chap. V, sect. A.
[2] Resolution 217 A (III).
[3] See resolution 2200 A (XXI), annex.
[4] United Nations, *Treaty Series*, vol. 1465, No. 24841.
[5] Ibid., vol. 2716, No. 48088.
[6] Ibid., vol. 1249, No. 20378.

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Rights of the Child,[7] the International Convention on the Elimination of All Forms of Racial Discrimination,[8] the Convention on the Rights of Persons with Disabilities,[9] the Vienna Convention on Consular Relations,[10] the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families[11] and the United Nations Convention against Transnational Organized Crime and the Protocols thereto,[12] in particular the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime,[13] and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,[14]

Acknowledging the relevant contribution of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families to the international system for the protection of migrants,

Welcoming the New York Declaration for Refugees and Migrants, adopted on 19 September 2016 at the High-level plenary meeting of the General Assembly on addressing large movements of refugees and migrants,[15]

Acknowledging the preparatory process towards the adoption of a global compact for safe, orderly and regular migration,

Recalling the provisions concerning migrants contained in the outcome documents of major United Nations conferences and summits, including the Outcome of the Conference on the World Financial and Economic Crisis and Its Impact on Development,[16] the 2030 Agenda for Sustainable Development[17] and the New Urban Agenda,[18]

Recalling also Commission on Population and Development resolutions 2006/2 of 10 May 2006[19] and 2009/1 of 3 April 2009,[20] and its resolution 2013/1 of 26 April 2013 on new trends in migration: demographic aspects,[21]

Taking note of advisory opinion OC 16/99 of 1 October 1999 on the Right to Information on Consular Assistance in the Framework of the Guarantees of the Due Process of Law, advisory opinion OC 18/03 of 17 September 2003 on the Juridical Condition and Rights of Undocumented Migrants and advisory opinion OC 21/14 of 19 August 2014 on the Rights and Guarantees of Children in the Context of Migration and/or in Need of International Protection, issued by the Inter-American Court of Human Rights,

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[7] Ibid., vol. 1577, No. 27531.
[8] Ibid., vol. 660, No. 9464.
[9] Ibid., vol. 2515, No. 44910.
[10] Ibid., vol. 596, No. 8638.
[11] Ibid., vol. 2220, No. 39481.
[12] Ibid., vols. 2225, 2237, 2241 and 2326, No. 39574.
[13] Ibid., vol. 2241, No. 39574.
[14] Ibid., vol. 2237, No. 39574.
[15] Resolution 71/1.
[16] Resolution 63/303, annex.
[17] Resolution 70/1.
[18] Resolution 71/256, annex.
[19] See *Official Records of the Economic and Social Council, 2006, Supplement No. 5* (E/2006/25), chap. I, sect. B.
[20] Ibid., *2009, Supplement No. 5* (E/2009/25), chap. I, sect. B.
[21] Ibid., *2013, Supplement No. 5* (E/2013/25), chap. I, sect. B.

Taking note also of the Judgment of the International Court of Justice of 31 March 2004 in the case concerning *Avena and Other Mexican Nationals*[22] and the Judgment of the Court of 19 January 2009 regarding the request for interpretation of the *Avena* Judgment,[23] and recalling the obligations of States reaffirmed in both decisions,

Underlining the importance of the Human Rights Council in promoting respect for the protection of the human rights and fundamental freedoms of all, including migrants,

Recognizing that women represent almost half of all international migrants, and in this regard recognizing also that women migrant workers are important contributors to social and economic development in countries of origin and destination, and underlining the value and dignity of their labour, including the labour of domestic workers,

Recalling the adoption of the 2030 Agenda for Sustainable Development in its entirety, and recalling Sustainable Development Goals 8 and 10, including the targets on the protection of labour rights and promotion of safe and secure working environments for all workers, including migrant workers, in particular women migrants and those in precarious employment, and on the facilitation of orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies, as noted in the New York Declaration for Refugees and Migrants,

Welcoming the decision to hold the third High-level Dialogue on International Migration and Development in the first half of 2019 and also the decision to hold the High-level Dialogues during every fourth session of the General Assembly, beginning with the seventy-third session, at United Nations Headquarters, to review the follow-up to the outcomes of the previous High-level Dialogues and advance the discussion on the multidimensional aspects of the migration-related Sustainable Development Goals and targets, including migration-related commitments set out in the Addis Ababa Action Agenda of the Third International Conference on Financing for Development,[24] taking into account other migration- and development-related processes,[25]

Noting the ninth summit meeting of the Global Forum on Migration and Development, chaired by Bangladesh in Dhaka from 10 to 12 December 2016, under the overarching theme "Migration that works for the sustainable development of all: towards a transformative migration agenda", and the tenth summit meeting of the Global Forum, co-chaired by Germany and Morocco in Berlin from 28 to 30 June 2017, under the overarching theme "Towards a global social contract on migration and development",

Acknowledging the cultural and economic contributions made by migrants to their communities of origin and destination and the need to identify appropriate means of maximizing development benefits, to respond to the challenges that migration poses to countries of origin, transit and destination, to promote dignified, humane treatment with applicable protections and access to basic services, and to strengthen mechanisms for international cooperation,

Emphasizing the multidimensional character of international migration, the importance of international, regional and bilateral cooperation and dialogue in this

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[22] See *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 4* (A/59/4), chap. V, sect. A.

[23] Ibid., *Sixty-fourth Session, Supplement No. 4* (A/64/4), chap. V, sect. B.

[24] Resolution 69/313, annex.

[25] Resolution 71/237, para. 34.

regard, as appropriate, and the need to protect the human rights of all migrants, particularly at a time when migration flows have increased in the globalized economy and take place in a context of continued security concerns,

Acknowledging the complexity of migratory flows and that international migration movements also occur within the same geographical regions, and in this context calling for a better understanding of migration patterns across and within regions,

Deeply concerned at the large and growing number of migrants, especially women and children, including those unaccompanied or separated from their parents, who place themselves in a vulnerable situation by crossing or attempting to cross international borders, and recognizing the obligation of States to respect the human rights of those migrants in accordance with their applicable international human rights obligations,

Recognizing the importance of coordinating international efforts to provide assistance and support to migrants in vulnerable situations and, as appropriate, facilitate their voluntary return to their countries of origin or procedures for determining the need for international protection while respecting the principle of non-refoulement,

Bearing in mind the obligations of States under international law, as applicable, to exercise due diligence to prevent crimes targeting migrants and to investigate and punish perpetrators, and that not doing so violates and impairs or nullifies the enjoyment of the human rights and fundamental freedoms of victims,

Affirming that migrant smuggling and crimes against migrants, including trafficking in persons, continue to pose a serious challenge and require a concerted international assessment and response and genuine multilateral cooperation among countries of origin, transit and destination for their eradication,

Bearing in mind that policies and initiatives on the issue of migration, including those that refer to the orderly management of migration, should promote holistic approaches that take into account the causes and consequences of the phenomenon, as well as full respect for the human rights and fundamental freedoms of migrants,

Stressing the importance of all regulations and laws regarding irregular migration, at all levels of government, being in accordance with the obligations of States under international law, including international human rights law,

Expressing concern at the increasing trend of xenophobia and hostility towards migrants in societies, which has a negative impact on the fulfilment of human rights globally,

Stressing the obligation of States to protect the human rights of migrants regardless of their migration status, including when implementing their specific migration and border security policies, and expressing its concern at measures which, including in the context of policies aimed at reducing irregular migration, treat irregular migration as a criminal rather than an administrative offence, where the effect of doing so is to deny migrants the full enjoyment of their human rights and fundamental freedoms, and in this regard recalling that sanctions and the treatment given to irregular migrants should be commensurate with their offences,

Aware that, as criminals take advantage of migratory flows and attempt to circumvent restrictive immigration policies and border controls, migrants become more vulnerable to, inter alia, kidnapping, extortion, forced labour, sexual exploitation, physical assault, debt servitude and abandonment,

Recognizing the contributions of young migrants to countries of origin and destination, and in that regard encouraging States to consider the specific circumstances and needs of young migrants,

Recognizing also the obligations of countries of origin, transit and destination under international human rights law,

Underlining the importance for States, in cooperation with civil society, including non-governmental organizations, workers' organizations and the private sector, among other relevant stakeholders, to undertake information campaigns aimed at clarifying opportunities, limitations, risks and rights in the event of migration in order to enable everyone to make informed decisions and to prevent anyone from utilizing dangerous means to cross international borders,

1. *Calls upon* States to promote and protect effectively the human rights and fundamental freedoms of all migrants, regardless of their migration status, especially those of women and children, and to address international migration through international, regional or bilateral cooperation and dialogue and a comprehensive and balanced approach, recognizing the roles and responsibilities of countries of origin, transit and destination in promoting and protecting the human rights of all migrants and avoiding approaches that might aggravate their vulnerability;

2. *Expresses its concern* about the impact of financial and economic crises, as well as natural disasters and the effects of climate-related phenomena, on international migration and migrants, and in that regard urges Governments to combat unfair and discriminatory treatment of migrants, in particular migrant workers and their families;

3. *Reaffirms* the rights set forth in the Universal Declaration of Human Rights[2] and the obligations of States under the International Covenants on Human Rights,[3] and in this regard:

(a) Strongly condemns acts, manifestations and expressions of racism, racial discrimination, xenophobia and related intolerance against migrants and the stereotypes often applied to them, including on the basis of religion or belief, and urges States to apply and, where needed, to reinforce existing laws when hate crimes, xenophobic or intolerant acts, manifestations or expressions against migrants occur, in order to eradicate impunity for those who commit those acts and, where appropriate, to provide effective remedy to the victims;

(b) Encourages States to establish or, when appropriate, strengthen mechanisms which allow migrants to report alleged cases of abuse by relevant authorities and employers without fear of reprisal, and which allow for such complaints to be addressed fairly;

(c) Expresses concern about legislation adopted by some States that results in measures and practices that may restrict the human rights and fundamental freedoms of migrants, and reaffirms that, when exercising their sovereign right to enact and implement migratory and border security measures, States have the duty to comply with their obligations under international law, including international human rights law, in order to ensure full respect for the human rights of migrants;

(d) Calls upon States to ensure that their laws and policies, including in the areas of counter-terrorism and combating transnational organized crime, such as trafficking in persons and smuggling of migrants, fully respect the human rights of migrants;

(e) Calls upon States that have not done so to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families[11] as a matter of priority, and requests

the Secretary-General to continue his efforts to promote and raise awareness of the Convention;

(f) Takes note of the reports of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families on its twenty-third and twenty-fourth sessions[26] and its twenty-fifth and twenty-sixth sessions;[27]

4. *Also reaffirms* the duty of States to effectively promote and protect the human rights and fundamental freedoms of all migrants, especially those of women and children, regardless of their migration status, in conformity with the Universal Declaration of Human Rights and the international instruments to which they are party, and therefore:

(a) Calls upon all States to respect the human rights and inherent dignity of migrants, to put an end to arbitrary arrest and detention and, bearing in mind the New York Declaration for Refugees and Migrants,[15] to review policies that deny migrants the full enjoyment of their human rights and fundamental freedoms, to pursue alternatives to detention while assessments of migration status are under way and to take into account measures that have been successfully implemented by some States;

(b) Encourages States to put in place, if they have not yet done so, appropriate systems and procedures in order to ensure that the best interests of the child are a primary consideration in all actions or decisions concerning migrant children, regardless of their migration status, and, when applicable, to work towards ending the detention of migrant children;

(c) Also encourages States to cooperate and to take appropriate measures, in full conformity with their obligations under international human rights law, to prevent, combat and address the smuggling of migrants, including strengthening laws, policies, information-sharing and joint operational functions, enhancing capacities and support opportunities for migration in a well-managed, safe and dignified manner and strengthening legislative methods for criminalizing acts of smuggling migrants, particularly women and children;

(d) Urges all States to adopt effective measures to prevent and punish any form of illegal deprivation of liberty of migrants by individuals or groups;

(e) Requests States to adopt concrete measures to prevent the violation of the human rights of migrants while in transit, including in ports and airports and at borders and migration checkpoints, and to adequately train public officials who work in those facilities and in border areas to treat migrants respectfully and in accordance with their obligations under international human rights law;

(f) Underlines the right of migrants to return to their country of citizenship, and recalls that States must ensure that their returning nationals are duly received;

(g) Calls upon States to analyse and implement, where appropriate, mechanisms for the safe and orderly administration of returning migrants, with particular attention to the human rights of migrants, in accordance with their obligations under international law;

(h) Also calls upon States to prosecute, in conformity with applicable law, acts of violation of the human rights of migrants and their families, such as arbitrary detention, torture and violations of the right to life, including extrajudicial executions,

[26] See *Official Records of the General Assembly, Seventy-first Session, Supplement No. 48* (A/71/48).

[27] Ibid., *Seventy-second Session, Supplement No. 48* (A/72/48).

during their transit from the country of origin to the country of destination and vice versa, including transit across national borders;

(i) Recognizes the particular vulnerability of migrants in transit situations, including through national borders, and the need to ensure full respect for their human rights also in these circumstances;

(j) Also recognizes the importance of promoting respect for human rights in coordinated efforts of the international community to assist and support migrants who are stranded or in vulnerable situations;

(k) Reaffirms emphatically the duty of States parties to ensure full respect for and observance of the Vienna Convention on Consular Relations,[10] in particular with regard to the right of all foreign nationals, regardless of their migration status, to communicate with a consular official of the sending State in case of arrest, imprisonment, custody or detention, and the obligation of the receiving State to inform the foreign national without delay of his or her rights under the Convention;

(l) Requests all States, in conformity with national legislation and applicable international legal instruments to which they are party, to enforce labour law effectively, including by addressing violations of such law, with regard to migrant workers' labour relations and working conditions, inter alia, those related to their remuneration and conditions of health, safety at work and the right to freedom of association;

(m) Invites Member States to consider ratifying relevant conventions of the International Labour Organization, including the Domestic Workers Convention, 2011 (No. 189), on decent work for domestic workers;

(n) Encourages all States to remove unlawful obstacles, where they exist, that may prevent the safe, transparent, unrestricted and expeditious transfer of remittances, earnings, assets and pensions of migrants to their country of origin or to any other countries, and, in conformity with applicable laws, regulations and agreements, to consider, as appropriate, measures to resolve any identified issues that may impede such transfers or subject them to impractical restrictions;

(o) Recalls that the Universal Declaration of Human Rights recognizes that everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted to him or her;

5. *Emphasizes* the importance of protecting persons in vulnerable situations, and in this regard:

(a) Expresses its concern about the increase in the activities and profits of transnational and national organized crime entities and others who profit from crimes against migrants, especially migrant women and children, without regard for dangerous and inhumane conditions, and in flagrant violation of national laws and international law and contrary to international standards;

(b) Also expresses its concern about the high level of impunity enjoyed by traffickers and their accomplices, as well as other members of organized crime entities and, in this context, the denial of rights and justice to migrants who have suffered from abuse;

(c) Calls upon States, within the framework of applicable international law, to take steps to ensure that their national procedures at international borders include adequate safeguards to protect the dignity, safety and human rights of all migrants;

(d) Welcomes immigration programmes, adopted by some countries, that allow migrants to integrate fully into the host countries, facilitate family reunification

and promote a harmonious, tolerant and respectful environment, and encourages States to consider the possibility of adopting these types of programmes;

(e) Calls upon States that have not already done so to provide for the protection of the human rights of women migrant workers, to promote fair labour conditions and to ensure that all women, including care workers, are legally protected against violence and exploitation;

(f) Encourages States to implement gender-sensitive policies and programmes for women migrant workers, to provide safe and legal channels that recognize the skills and education of women migrant workers and, as appropriate, to facilitate their productive employment, decent work and integration into the labour force, including in the fields of education and science and technology;

(g) Encourages all States to develop international migration policies and programmes that include a gender perspective, in order to adopt the measures necessary to better protect women and girls against dangers and abuse during migration;

(h) Calls upon States to protect the human rights of migrant children, given their vulnerability, particularly unaccompanied migrant children, ensuring that the best interests of the child are a primary consideration in their legislation, policies and practices, including on integration, return and family reunification;

(i) Encourages all States to prevent and eliminate discriminatory policies and legislation at all levels of government that deny migrant children access to education and, while taking into account the best interests of the child as a primary consideration, to foster the successful integration of migrant children into the educational system and the removal of barriers to their education in host countries and countries of origin;

(j) Reminds all States that all persons, including migrants, should have access to lifelong learning opportunities that help them acquire the knowledge and skills needed to take advantage of opportunities and to participate fully in society;

(k) Urges States to ensure that repatriation mechanisms allow for the identification and special protection of persons in vulnerable situations, including unaccompanied children and persons with disabilities, and take into account, in conformity with their international obligations and commitments, the principle of the best interests of the child, clarity of reception and care arrangements and family reunification;

(l) Urges States parties to the United Nations Convention against Transnational Organized Crime and the Protocols thereto,[12] in particular the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime,[13] and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,[14] to implement them fully, and calls upon States that have not done so to consider ratifying or acceding to them as a matter of priority;

6. *Encourages* States to take into account the conclusions and recommendations of the study of the Office of the United Nations High Commissioner for Human Rights on challenges and best practices in the implementation of the international framework for the protection of the rights of the child in the context of migration[28] when designing and implementing their migration policies;

[28] A/HRC/15/29.

7. *Also encourages* States to protect migrants from becoming victims of national and transnational organized crime, including kidnapping and trafficking and, in some instances, smuggling, including through the implementation of programmes and policies that prevent victimization and guarantee protection and access to medical, psychosocial and legal assistance, where appropriate;

8. *Encourages* Member States that have not already done so to enact national legislation and to take further effective measures to combat trafficking in persons and smuggling of migrants, recognizing that these crimes may endanger the lives of migrants or subject them to harm, servitude, exploitation, debt bondage, slavery, sexual exploitation or forced labour, and also encourages Member States to strengthen international cooperation to prevent, investigate and combat such trafficking in persons and smuggling of migrants and to identify and disrupt financial flows related to these activities;

9. *Stresses* the importance of international, regional and bilateral cooperation in the protection of the human rights of migrants, and therefore:

(a) Requests all States, international organizations and relevant stakeholders to take into account in their policies and initiatives on migration issues the global character of the migratory phenomenon and to give due consideration to international, regional and bilateral cooperation in this field, including by undertaking dialogues on migration that include countries of origin, transit and destination, as well as civil society, including migrants, with a view to addressing, in a comprehensive manner, inter alia, its causes and consequences and the challenge of undocumented or irregular migration, granting priority to the protection of the human rights of migrants;

(b) Encourages States to promote the effective implementation of the 2030 Agenda for Sustainable Development,[17] including its target 10.7 on the facilitation of orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies;

(c) Also encourages States to take the measures necessary to achieve policy coherence on migration at the national, regional and international levels, including by ensuring coordinated child protection policies and systems across borders that are in full compliance with international human rights law;

(d) Further encourages States to cooperate effectively in protecting witnesses in cases of smuggling of migrants, regardless of their migration status;

(e) Encourages States to cooperate effectively in protecting witnesses and victims in cases of trafficking in persons, regardless of their migration status;

(f) Calls upon the United Nations system and other relevant international organizations and multilateral institutions to enhance their cooperation in the development of methodologies for the collection and processing of statistical data on international migration and the situation of migrants in countries of origin, transit and destination and to assist Member States in their capacity-building efforts in this regard;

(g) Encourages States to include, as appropriate, information on the implementation of their international obligations related to the human rights of migrants in their national reports to the universal periodic review mechanism of the Human Rights Council;

10. *Welcomes* the consideration afforded to the issues of migration, development and human rights in the 2030 Agenda for Sustainable Development;

11. *Reaffirms* the commitments of the New York Declaration for Refugees and Migrants, and urges Member States and the United Nations system to work

cooperatively to follow up on and apply the Declaration, in accordance with national legal systems;

12. *Encourages* States, relevant international organizations, civil society, including non-governmental organizations, and the private sector to continue and to enhance their dialogue in relevant international meetings with a view to strengthening and making more inclusive public policies aimed at promoting and respecting human rights, including those of migrants;

13. *Requests* Governments and international organizations to take appropriate measures to give due consideration to the declaration of the High-level Dialogue on International Migration and Development, held on 3 and 4 October 2013;[29]

14. *Recognizes* the importance of the contribution of the United Nations High Commissioner for Human Rights, the Chair of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Special Rapporteur of the Human Rights Council on the human rights of migrants, as well as other key actors, to the discussion on international migration;

15. *Invites* the Chair of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families to present an oral report on the work of the Committee and to engage in an interactive dialogue with the General Assembly at its seventy-third session, under the item entitled "Promotion and protection of human rights", as a way to enhance communication between the Assembly and the Committee;

16. *Invites* the Special Rapporteur on the human rights of migrants to submit his report to the General Assembly and to engage in an interactive dialogue at its seventy-third session, under the item entitled "Promotion and protection of human rights";

17. *Takes note* of the reports of the Secretary-General on the promotion and protection of human rights, including ways and means to promote the human rights of migrants,[30] and on the human rights of migrants;[31]

18. *Also takes note* of the report of the Secretary-General on follow-up to and review of the commitments of the New York Declaration;[32]

19. *Requests* the Secretary-General to submit to the General Assembly and the Human Rights Council at their seventy-fourth and thirty-ninth sessions, respectively, a comprehensive report entitled "Human rights of migrants", covering all aspects of the implementation of the present resolution;

20. *Decides* to remain seized of the matter.

73rd plenary meeting
19 December 2017

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[29] Resolution 68/4.
[30] A/71/284.
[31] A/71/285 and A/72/173.
[32] A/71/978.

United Nations A/RES/72/180

General Assembly

Distr.: General
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Seventy-second session
Agenda item 72 (b)

Resolution adopted by the General Assembly on 19 December 2017

[*on the report of the Third Committee (A/72/439/Add.2)*]

72/180. Protection of human rights and fundamental freedoms while countering terrorism

The General Assembly,

Reaffirming the purposes and principles of the Charter of the United Nations,

Reaffirming also the Universal Declaration of Human Rights,[1]

Reaffirming further the Vienna Declaration and Programme of Action,[2]

Reaffirming the fundamental importance, including in response to terrorism and the fear of terrorism, of respecting all human rights and fundamental freedoms and the rule of law,

Reaffirming also that States are under the obligation to respect, protect and fulfil all human rights and fundamental freedoms of all persons,

Reaffirming further that terrorism cannot and should not be associated with any religion, nationality, civilization or ethnic group,

Reiterating the important contribution of measures taken at all levels against terrorism, consistent with international law, in particular international human rights, refugee and humanitarian law, to the functioning of democratic institutions and the maintenance of peace and security and thereby to the full enjoyment of human rights and fundamental freedoms, as well as the need to continue this fight, including by strengthening international cooperation and the role of the United Nations in this respect,

Reaffirming its unequivocal condemnation of all acts, methods and practices of terrorism in all its forms and manifestations, wherever and by whomsoever committed, regardless of their motivation, as criminal and unjustifiable, and renewing

[1] Resolution 217 A (III).
[2] A/CONF.157/24 (Part I), chap. III.

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its commitment to strengthening international cooperation to prevent and combat terrorism, and to deny impunity and pursue accountability in relation to the perpetrators of terrorist acts,

Deeply deploring the occurrence of violations of human rights and fundamental freedoms in the context of the fight against terrorism, as well as violations of international refugee law and international humanitarian law,

Expressing its concern at the increasing use, in a globalized society, by terrorists and their supporters, of information and communications technologies, in particular the Internet and other media, and the use of such technologies to commit, incite, recruit for, fund or plan terrorist acts, noting the importance of cooperation among stakeholders in the implementation of the United Nations Global Counter-Terrorism Strategy[3] and the comprehensive international framework to counter terrorist narratives,[4] including among Member States, international, regional and subregional organizations, the private sector and civil society, to address this issue, while respecting human rights and fundamental freedoms and complying with international law and the purposes and principles of the Charter, and reiterating that such technologies can be powerful tools in countering the spread of terrorism, including by promoting tolerance, dialogue among peoples and peace,

Stressing that all measures used in the fight against terrorism, including the profiling of individuals and the use of diplomatic assurances, memorandums of understanding and other transfer agreements or arrangements, must be in compliance with the obligations of States under international law, including international human rights law, international refugee law and international humanitarian law,

Stressing also that a criminal justice system based on respect for human rights and the rule of law, including due process and fair trial guarantees, is one of the best means for effectively countering terrorism and ensuring accountability,

Recognizing that respect for all human rights, respect for democracy and respect for the rule of law are interrelated and mutually reinforcing,

Recalling its resolution 70/148 of 17 December 2015, Human Rights Council resolutions 33/21 of 30 September 2016[5] and 35/34 of 23 June 2017[6] and other relevant resolutions and decisions, and welcoming the efforts of all relevant stakeholders to implement those resolutions,

Recalling also its resolution 60/288 of 8 September 2006, by which it adopted the United Nations Global Counter-Terrorism Strategy, and its resolution 70/291 of 1 July 2016 on the review of the United Nations Global Counter-Terrorism Strategy, in which it called upon Member States and the United Nations entities involved in supporting counter-terrorism efforts to continue to facilitate the promotion and protection of human rights and fundamental freedoms, as well as due process and the rule of law, while countering terrorism, reaffirming that the promotion and protection of human rights for all and the rule of law are essential to preventing and combating terrorism, recognizing that effective counter-terrorism measures and the protection of human rights are not conflicting goals but are complementary and mutually reinforcing, and stressing the need to promote and protect the rights of victims of terrorism,

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[3] Resolution 60/288.

[4] S/2017/375, annex.

[5] See *Official Records of the General Assembly, Seventy-first Session, Supplement No. 53A* and corrigendum (A/71/53/Add.1 and A/71/53/Add.1/Corr.1), chap. II.

[6] Ibid., *Seventy-second Session, Supplement No. 53* (A/72/53), chap. V, sect. A.

Recalling further Human Rights Council resolution 31/3 of 23 March 2016,[7] by which the Council decided to extend the mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism,

1. *Reaffirms* that States must ensure that any measure taken to combat terrorism complies with their obligations under international law, in particular international human rights law, international refugee law and international humanitarian law;

2. *Deeply deplores* the suffering caused by terrorism to the victims and their families, expresses its profound solidarity with them, and stresses the importance of providing them with assistance and other appropriate measures to protect, respect and promote their human rights;

3. *Expresses serious concern* at the occurrence of violations of human rights and fundamental freedoms, as well as violations of international refugee law and international humanitarian law, committed in the context of countering terrorism;

4. *Reaffirms* the obligation of States, in accordance with article 4 of the International Covenant on Civil and Political Rights,[8] to respect certain rights as non-derogable under any circumstances, recalls, in regard to all other Covenant rights, that any measures derogating from the provisions of the Covenant must be in accordance with that article in all cases, underlines the exceptional and temporary nature of any such derogations,[9] and in this regard calls upon States to raise awareness about the importance of these obligations among national authorities involved in combating terrorism;

5. *Urges* States, while countering terrorism:

(a) To fully comply with their obligations under international law, in particular international human rights law, international refugee law and international humanitarian law, with regard to the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment;

(b) To respect, protect and fulfil the human rights of all, including persons belonging to national or ethnic, religious and linguistic minorities, and to ensure that measures taken to counter terrorism are not discriminatory on any ground;

(c) To take all steps necessary to ensure that persons deprived of liberty, regardless of the place of arrest or detention, benefit from the guarantees to which they are entitled under international human rights law and international humanitarian law, including the review of the detention and other fundamental judicial guarantees;

(d) To ensure that no form of deprivation of liberty places a detained person outside the protection of the law and to respect the safeguards concerning the liberty, security and dignity of the person, in accordance with international law, including international human rights law and international humanitarian law;

(e) To take all steps necessary to ensure the right of anyone arrested or detained on a criminal charge to be brought promptly before a judge or other officer authorized by law to exercise judicial power and the entitlement to trial within a reasonable time or release;

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[7] Ibid., *Seventy-first Session, Supplement No. 53* (A/71/53), chap. IV, sect. A.

[8] See resolution 2200 A (XXI), annex.

[9] See, for example, general comment No. 29 on states of emergency adopted by the Human Rights Committee on 24 July 2001 (*Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 40* (A/56/40), vol. I, annex VI).

(f) To respect the right of persons to equality before the law, courts and tribunals and to a fair trial as provided for in international law, including international human rights law, such as the International Covenant on Civil and Political Rights, and international humanitarian law and international refugee law;

(g) To safeguard the work of civil society by ensuring that counter-terrorism laws and measures are consistent with and are applied in a manner that fully respects human rights, particularly the rights to freedom of expression, peaceful assembly and association;

(h) To acknowledge that the active participation of civil society can reinforce ongoing governmental efforts to protect human rights and fundamental freedoms while countering terrorism and to ensure that measures to counter terrorism and to preserve national security do not hinder its work and safety and are in compliance with their obligations under international law;

(i) To safeguard the right to privacy in accordance with international law, in particular international human rights law, and to take measures to ensure that interferences with or restrictions on that right are not arbitrary, are adequately regulated by law and are subject to effective oversight and appropriate redress, including through judicial review or other means;

(j) To review their procedures, practices and legislation regarding the surveillance and interception of communications and the collection of personal data, including mass surveillance, interception and collection, with a view to upholding the right to privacy by ensuring the full and effective implementation of all their obligations under international human rights law, and to take measures to ensure that interference with the right to privacy is regulated by law, which must be publicly accessible, clear, precise, comprehensive and non-discriminatory, and that such interference is not arbitrary or unlawful, bearing in mind what is reasonable for the pursuance of legitimate aims;

(k) To protect all human rights, including economic, social and cultural rights, bearing in mind that certain counter-terrorism measures may have an impact on the enjoyment of these rights;

(l) To ensure that guidelines and practices in all border control operations and other pre-entry mechanisms are clear and fully respect their obligations under international law, particularly international refugee and human rights law, towards persons seeking international protection;

(m) To fully respect non-refoulement obligations under international refugee and human rights law and, at the same time, to review, with full respect for these obligations and other legal safeguards, the validity of a refugee status decision in an individual case if credible and relevant evidence comes to light that indicates that the person in question has committed any criminal acts, including terrorist acts, falling under the exclusion clauses under international refugee law;

(n) To refrain from returning persons, including in cases related to terrorism, to their countries of origin or to a third State whenever such transfer would be contrary to their obligations under international law, in particular international human rights, humanitarian and refugee law, including in cases where there are substantial grounds for believing that they would be in danger of subjection to torture, or where their lives or freedom would be threatened, in violation of international refugee law, on account of their race, religion, sex, nationality, membership in a particular social group or political opinion, bearing in mind the obligations that States may have to prosecute individuals not returned and, in that case, to adhere to the principle of extradite or prosecute;

(o) To ensure that their laws criminalizing acts of terrorism are accessible, formulated with precision, non-discriminatory, non-retroactive and in accordance with international law, including international human rights law;

(p) Not to resort to profiling based on stereotypes founded on grounds of discrimination prohibited by international law, including on racial, ethnic and/or religious grounds;

(q) To ensure that the interrogation methods used against terrorism suspects are consistent with their international obligations and are reviewed on a regular basis;

(r) To ensure that any person who alleges that his or her human rights or fundamental freedoms have been violated has access to a fair procedure for seeking full, effective and enforceable remedy within a reasonable time and that, where such violations have been established, victims receive an adequate, effective and prompt remedy, which should include, as appropriate, restitution, compensation, rehabilitation and guarantees of non-recurrence;

(s) To ensure due process guarantees, consistent with all relevant provisions of the Universal Declaration of Human Rights,[1] and their obligations under the International Covenant on Civil and Political Rights, the Geneva Conventions of 1949[10] and the Additional Protocols thereto of 1977,[11] and the 1951 Convention relating to the Status of Refugees[12] and the 1967 Protocol thereto[13] in their respective fields of applicability;

(t) To ensure that gender equality and non-discrimination are taken into account when shaping, reviewing and implementing all counter-terrorism measures, and to promote the full and effective participation of women in those processes;

(u) To ensure that any measures taken or means employed to counter terrorism, including the use of remotely piloted aircraft, comply with their obligations under international law, including the Charter of the United Nations, human rights law and international humanitarian law, as applicable, in particular the principles of distinction and proportionality;

(v) To take into account relevant United Nations resolutions and decisions on human rights, and encourages them to give due consideration to the recommendations of the special procedures and mechanisms of the Human Rights Council and to the relevant comments and views of United Nations human rights treaty bodies;

(w) To undertake prompt, independent and impartial fact-finding inquiries whenever there are plausible indications of possible breaches of their obligations under international human rights law, with a view to ensuring accountability;

6. *Calls upon* States to protect the human rights of victims of terrorism, including with regard to their access to justice;

7. *Urges* States, while undertaking counter-terrorism activities, to respect their international obligations regarding humanitarian actors and to recognize the key role played by humanitarian organizations in areas where terrorist groups are active;

8. *Condemns* the recruitment and use of children in acts of terror and the recruitment and use of children, in violation of applicable international law, in measures taken to counter terrorism, and calls upon States to protect children pursuant to international human rights law and international humanitarian law;

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[10] United Nations, *Treaty Series*, vol. 75, Nos. 970–973.
[11] Ibid., vol. 1125, Nos. 17512 and 17513.
[12] Ibid., vol. 189, No. 2545.
[13] Ibid., vol. 606, No. 8791.

9. *Recognizes* the importance of the International Convention for the Protection of All Persons from Enforced Disappearance,[14] the implementation of which will make a significant contribution in support of the rule of law in countering terrorism, including by prohibiting places of secret detention, and encourages all States that have not yet done so to consider signing, ratifying or acceding to the Convention;

10. *Urges* all States that have not yet done so to sign, ratify, accede to or implement the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[15] and encourages States to consider ratifying as a matter of priority the Optional Protocol thereto,[16] the implementation of which will make a significant contribution in support of the rule of law in countering terrorism;

11. *Recognizes* the important role of education, employment, inclusion and respect for cultural diversity in helping to prevent terrorism and violent extremism conducive to terrorism and in preventing and combating discrimination, and welcomes the engagement of relevant United Nations agencies with Member States to implement strategies to prevent violent extremism conducive to terrorism through education;

12. *Calls upon* the United Nations entities involved in supporting counter-terrorism efforts to respect and continue to facilitate the promotion and protection of human rights and fundamental freedoms, as well as due process and the rule of law, while countering terrorism;

13. *Encourages* the Office of Counter-Terrorism to enhance coordination and coherence, including through working effectively with the Counter-Terrorism Committee Executive Directorate, in supporting the efforts of Member States to implement the United Nations Global Counter-Terrorism Strategy,[3] so as to ensure that their counter-terrorism measures are rooted in respect for their obligations under international human rights law, international refugee law and international humanitarian law;

14. *Recognizes* the need to continue to ensure that fair and clear procedures under the United Nations terrorism-related sanctions regime are strengthened in order to enhance their efficiency and transparency, and welcomes and encourages the ongoing efforts of the Security Council in support of these objectives, including by supporting the enhanced role of the Office of the Ombudsperson and continuing to review all the names of individuals and entities in the regime, while emphasizing the importance of these sanctions in countering terrorism;

15. *Urges* States, while ensuring full compliance with their international obligations, to ensure the rule of law and to include adequate human rights guarantees in their national procedures for the listing and delisting of individuals and entities with a view to combating terrorism;

16. *Requests* the Special Rapporteur of the Human Rights Council on the promotion and protection of human rights and fundamental freedoms while countering terrorism to continue to make recommendations, in the context of her mandate, with regard to preventing, combating and redressing violations of human rights and fundamental freedoms in the context of countering terrorism, and to continue to report and engage in interactive dialogues on an annual basis with the General Assembly and the Human Rights Council in accordance with their programmes of work;

17. *Requests* all Governments to cooperate fully with the Special Rapporteur in the performance of her mandated tasks and duties;

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[14] Ibid., vol. 2716, No. 48088.
[15] Ibid., vol. 1465, No. 24841.
[16] Ibid., vol. 2375, No. 24841.

18. *Welcomes* the work of the United Nations High Commissioner for Human Rights to implement the mandate given to him by the General Assembly in its resolution 60/158 of 16 December 2005, and requests him to continue his efforts in this regard;

19. *Takes note with appreciation* of the report of the Secretary-General on protecting human rights and fundamental freedoms while countering terrorism;[17]

20. *Takes note* of the report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, which addresses, inter alia, human rights in the context of preventing and countering violent extremism;[18]

21. *Requests* the Office of the United Nations High Commissioner for Human Rights and the Special Rapporteur to continue to contribute to the work of the Office of Counter-Terrorism through, inter alia, participation in the Counter-Terrorism Implementation Task Force;

22. *Encourages* the Security Council, the Counter-Terrorism Committee and the Counter-Terrorism Committee Executive Directorate to strengthen, within their mandates, the links, cooperation and dialogue with relevant human rights bodies, giving due regard to the promotion and protection of human rights and the rule of law in their ongoing work relating to counter-terrorism;

23. *Calls upon* States and other relevant actors, as appropriate, to continue to implement the United Nations Global Counter-Terrorism Strategy, which, inter alia, reaffirms respect for human rights for all and the rule of law as the fundamental basis of the fight against terrorism;

24. *Requests* the Office of Counter-Terrorism to continue its efforts to ensure that the United Nations can better coordinate and enhance its support to Member States in their efforts to comply with their obligations under international law, including international human rights, refugee and humanitarian law, while countering terrorism, and encourages the Office to further incorporate a human rights perspective into its work;

25. *Encourages* relevant United Nations bodies and entities and international, regional and subregional organizations, in particular those participating in the Counter-Terrorism Implementation Task Force, which provide technical assistance upon request, to step up their efforts to ensure respect for international human rights law, international refugee law and international humanitarian law, as well as the rule of law, as an element of technical assistance, including in the adoption and implementation of legislative and other measures by States;

26. *Calls upon* international, regional and subregional organizations to strengthen information-sharing, coordination and cooperation in promoting the protection of human rights, fundamental freedoms and the rule of law while countering terrorism;

27. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the Human Rights Council and to the General Assembly at its seventy-fourth session.

73rd plenary meeting
19 December 2017

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[17] A/72/316.
[18] A/HRC/34/61.

United Nations A/RES/72/181

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Agenda item 72 (b)

Resolution adopted by the General Assembly on 19 December 2017

[*on the report of the Third Committee (A/72/439/Add.2)*]

72/181. National institutions for the promotion and protection of human rights

The General Assembly,

Recalling its previous resolutions on national institutions for the promotion and protection of human rights, the most recent of which was resolution 70/163 of 17 December 2015, and those of the Commission on Human Rights and the Human Rights Council concerning national institutions and their role in the promotion and protection of human rights, the most recent of which was Council resolution 33/15 of 29 September 2016,[1]

Welcoming the rapidly growing interest throughout the world in the creation and strengthening of independent, pluralistic national institutions for the promotion and protection of human rights,

Recalling the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles),[2] welcoming the forthcoming twenty-fifth anniversary of the adoption of the Principles, and noting with appreciation the establishment of the Global Alliance of National Human Rights Institutions,

Recalling also the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[3] which reaffirmed the important and constructive role played by national human rights institutions, in particular in their advisory capacity to the competent authorities and their role in preventing and remedying human rights violations, in disseminating information on human rights and in education in human rights,

[1] See *Official Records of the General Assembly, Seventy-first Session, Supplement No. 53A* and corrigendum (A/71/53/Add.1 and A/71/53/Add.1/Corr.1), chap. II.

[2] Resolution 48/134, annex.

[3] A/CONF.157/24 (Part I), chap. III.

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Reaffirming the important role that such national institutions play and will continue to play in promoting and protecting human rights and fundamental freedoms, strengthening participation, in particular of civil society organizations, and promoting the rule of law and developing and enhancing public awareness of those rights and freedoms,

Recalling its previous resolutions on the role of the Ombudsman, mediator institutions and other national human rights institutions in the promotion and protection of human rights, the most recent of which was resolution 71/200 of 19 December 2016,

Recognizing the important role of the United Nations, in particular the Office of the United Nations High Commissioner for Human Rights, in assisting the development of independent and effective national human rights institutions, guided by the Paris Principles, and recognizing also in this regard the potential for strengthened and complementary cooperation among the United Nations, the Global Alliance of National Human Rights Institutions and its regional coordinating networks and those national institutions in the promotion and protection of human rights,

Welcoming in this context the tripartite partnership between the United Nations Development Programme, the Office of the High Commissioner and the Global Alliance of National Human Rights Institutions, and recognizing their contribution to the development of independent and effective national human rights institutions, in accordance with the Paris Principles,

Reaffirming that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing and that all human rights must be treated in a fair and equal manner, on the same footing and with the same emphasis,

Bearing in mind the significance of national and regional particularities and various historical, cultural and religious backgrounds, and that all States, regardless of their political, economic and cultural systems, have the duty to promote and protect all human rights and fundamental freedoms,

Recalling the programme of action adopted by national institutions for the promotion and protection of human rights at their meeting held in Vienna in June 1993 during the World Conference on Human Rights, in which it was recommended that United Nations activities and programmes should be reinforced to meet the requests for assistance from States wishing to establish or strengthen their national institutions for the promotion and protection of human rights,

Taking note with appreciation of the reports of the Secretary-General on national institutions for the promotion and protection of human rights[4] and on the activities of the Global Alliance of National Human Rights Institutions in accrediting national institutions in compliance with the principles relating to the status of institutions for the promotion and protection of human rights (Paris Principles),[5]

Welcoming the strengthening in all regions of regional cooperation among national human rights institutions, and welcoming also the continuing work of the Network of African National Human Rights Institutions, the Network of National Institutions for the Promotion and Protection of Human Rights in the Americas, the Asia-Pacific Forum of National Human Rights Institutions and the European Network of National Human Rights Institutions,

[4] A/HRC/33/33.

[5] A/HRC/33/34 and A/HRC/33/34/Add.1.

Welcoming also the contribution of the Global Alliance of National Human Rights Institutions to the strengthening of cooperation among existing national human rights institutions in all regions and the enhancement of the engagement of national human rights institutions compliant with the Paris Principles with relevant United Nations mechanisms and processes,

Welcoming further the progress made to date by Member States and all other stakeholders, including the Global Alliance of National Human Rights Institutions and its regional coordinating networks and relevant United Nations mechanisms and processes in the implementation of resolution 70/163,

Welcoming the adoption by the Open-ended Working Group on Ageing of decision 7/1 of 12 December 2016, entitled "Modalities of participation of national human rights institutions in the work of the Open-ended Working Group on Ageing",[6] by which the Working Group decided to invite national human rights institutions fully compliant with the Paris Principles to participate in its work in their own capacity,

Noting with appreciation the opportunities afforded to national human rights institutions to contribute to the Conference of States Parties to the Convention on the Rights of Persons with Disabilities and to the Commission on the Status of Women, and noting in this regard the efforts to further enhance the participation of national human rights institutions compliant with the Paris Principles at the sessions of the Commission, in compliance with the rules of procedure of the Economic and Social Council,

Welcoming in this regard the decision of the Commission on the Status of Women to encourage the secretariat to continue its consideration of how to enhance the participation, including at the sixty-second session of the Commission, of national human rights institutions that are fully compliant with the Paris Principles, where they exist, in compliance with the rules of procedure of the Economic and Social Council,[7]

Welcoming also the decision to invite national human rights institutions compliant with the Paris Principles to participate in the intergovernmental conference to adopt a global compact for safe, orderly and regular migration and its preparatory process and to invite the institutions, as well as the Global Alliance of National Human Rights Institutions and its regional coordinating networks, to organize global and regional consultations and to contribute views to the preparatory process,[8]

Welcoming further the continued contribution of national human rights institutions to the work of the United Nations human rights treaty bodies, as well as the efforts of the human rights treaty bodies, within their respective mandates and in accordance with the treaties establishing these mechanisms, to promote the effective and enhanced participation by national human rights institutions compliant with the Paris Principles at all relevant stages of their work, and noting with appreciation the ongoing efforts of the United Nations human rights treaty bodies, including by the continued consideration of a common treaty body approach to the engagement of the United Nations human rights treaty bodies with national human rights institutions at all relevant stages of their work,

1. *Takes note with appreciation* of the report of the Secretary-General;[9]

2. *Reaffirms* the importance of the development of effective, independent and pluralistic national institutions for the promotion and protection of human rights, in

[6] See A/AC.278/2016/2, para. 10.

[7] See *Official Records of the Economic and Social Council, 2017, Supplement No. 7* (E/2017/27), chap. I, sect. A.

[8] See resolution 71/280.

[9] A/72/277.

accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);[2]

3. *Recognizes* the role of independent national institutions for the promotion and protection of human rights in working together with Governments to ensure full respect for human rights at the national level, including by contributing to follow-up actions, as appropriate, to the recommendations resulting from the international human rights mechanisms;

4. *Welcomes* the increasingly important role of national institutions for the promotion and protection of human rights in supporting cooperation between their Governments and the United Nations in the promotion and protection of human rights;

5. *Underlines* the value of national human rights institutions, established and operating in accordance with the Paris Principles, in the continued monitoring of existing legislation and in consistently informing the State about the impact of such legislation on the activities of human rights defenders, including by making relevant and concrete recommendations;

6. *Recognizes* the role that national human rights institutions can play in preventing and addressing cases of reprisals as part of supporting the cooperation between their Governments and the United Nations in the promotion of human rights, including by contributing to follow-up actions, as appropriate, to recommendations made by international human rights mechanisms;

7. *Also recognizes* that, in accordance with the Vienna Declaration and Programme of Action,[3] it is the right of each State to choose the framework for national institutions that is best suited to its particular needs at the national level in order to promote human rights in accordance with international human rights standards;

8. *Encourages* Member States to establish effective, independent and pluralistic national institutions or, where they already exist, to strengthen them for the promotion and protection of all human rights and fundamental freedoms for all, as outlined in the Vienna Declaration and Programme of Action;

9. *Welcomes* the growing number of States establishing or considering the establishment of national institutions for the promotion and protection of human rights, and welcomes in particular the growing number of States that have accepted recommendations to establish national institutions compliant with the Paris Principles made through the universal periodic review and, where relevant, by treaty bodies and special procedures;

10. *Encourages* national institutions for the promotion and protection of human rights established by Member States to continue to play an active role in preventing and combating all violations of human rights as enumerated in the Vienna Declaration and Programme of Action and relevant international human rights instruments;

11. *Stresses* that national human rights institutions and their respective members and staff should not face any form of reprisal or intimidation, including political pressure, physical intimidation, harassment or unjustifiable budgetary limitations, as a result of activities undertaken in accordance with their respective mandates, including when taking up individual cases or when reporting on serious or systematic violations in their countries, and calls upon States to promptly and thoroughly investigate cases of alleged reprisal or intimidation against members or staff of national human rights institutions or against individuals who cooperate or seek to cooperate with them;

12. *Recognizes* the role played by national institutions for the promotion and protection of human rights in the Human Rights Council, including its universal periodic review mechanism, in both preparation and follow-up, and the special procedures, as well as in the human rights treaty bodies, in accordance with Council resolutions 5/1 and 5/2 of 18 June 2007[10] and Commission on Human Rights resolution 2005/74 of 20 April 2005;[11]

13. *Welcomes* the strengthening of opportunities for national human rights institutions compliant with the Paris Principles to contribute to the work of the Human Rights Council, as stipulated in the Council review outcome document annexed to Council resolution 16/21 of 25 March 2011[12] adopted by the General Assembly in its resolution 65/281 of 17 June 2011, and encourages and welcomes the increasing use made by national human rights institutions of these participatory opportunities;

14. *Also welcomes* the contribution of national human rights institutions compliant with the Paris Principles to the work of the United Nations, including of the Commission on the Status of Women, the Conference of States Parties to the Convention on the Rights of Persons with Disabilities, the Open-ended Working Group on Ageing and the intergovernmental process of the General Assembly on strengthening and enhancing the effective functioning of the human rights treaty body system;

15. *Encourages* national human rights institutions compliant with the Paris Principles to continue to participate in and to contribute to deliberations in all relevant United Nations mechanisms and processes in accordance with their respective mandates, including the discussions on the implementation of the 2030 Agenda for Sustainable Development;[13]

16. *Encourages* all relevant United Nations mechanisms and processes, in accordance with their respective mandates, including the Commission on the Status of Women, the Conference of States Parties to the Convention on the Rights of Persons with Disabilities, the Open-ended Working Group on Ageing and the 2030 Agenda for Sustainable Development, including the high-level political forum on sustainable development, to further enhance the participation of national human rights institutions compliant with the Paris Principles and to allow for their contribution to these United Nations mechanisms and processes, bearing in mind the relevant provisions dealing with their participation contained in General Assembly resolution 60/251 of 15 March 2006, Human Rights Council resolutions 5/1, 5/2 and 16/21 and Commission on Human Rights resolution 2005/74;

17. *Encourages* all other relevant United Nations forums and meetings, in accordance with their respective mandates, existing rules of procedure and modalities, to provide for the engagement of national human rights institutions compliant with the Paris Principles and to allow for their contribution to these forums and meetings;

18. *Invites* the human rights treaty bodies, within their respective mandates and in accordance with the treaties establishing these mechanisms, to provide for ways to ensure the effective and enhanced participation by national human rights institutions compliant with the Paris Principles at all relevant stages of their work;

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[10] See *Official Records of the General Assembly, Sixty-second Session, Supplement No. 53* (A/62/53), chap. IV, sect. A.

[11] See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* and corrigenda (E/2005/23, E/2005/23/Corr.1 and E/2005/23/Corr.2), chap. II, sect. A.

[12] See *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 53* (A/66/53), chap. II, sect. A.

[13] Resolution 70/1.

19. *Requests* the Secretary-General to continue to provide support to national human rights institutions compliant with the Paris Principles as they engage with relevant United Nations mechanisms and processes, with full respect for their respective mandates, and with a view to enabling their most effective contributions, in order to further the implementation of international human rights obligations and commitments;

20. *Encourages* all United Nations human rights mechanisms and relevant United Nations agencies, funds and programmes to work, within their respective mandates, with Member States and national institutions in the promotion and protection of human rights with respect to, inter alia, projects in the area of good governance and the rule of law, welcomes in this regard the efforts made by the United Nations High Commissioner for Human Rights to develop partnerships in support of national institutions, including the tripartite partnership between the United Nations Development Programme, the Office of the United Nations High Commissioner for Human Rights and the Global Alliance of National Human Rights Institutions, and in this respect encourages all United Nations human rights mechanisms and relevant United Nations agencies, funds and programmes to enhance their interaction with national human rights institutions, including by facilitating their access to relevant information and documentation;

21. *Stresses* the importance of the financial and administrative independence and stability of national human rights institutions for the promotion and protection of human rights, and notes with satisfaction the efforts of those States that have provided their national institutions with more autonomy and independence, including by giving them an investigative role or enhancing such a role, and encourages other Governments to consider taking similar steps;

22. *Urges* the Secretary-General to continue to give high priority to requests from Member States for assistance in the establishment and strengthening of national human rights institutions;

23. *Underlines* the importance of the autonomy and independence of ombudsman institutions, encourages increased cooperation between national human rights institutions and regional and international associations of ombudsmen, and also encourages ombudsman institutions to actively draw on the standards enumerated in international instruments and the Paris Principles to strengthen their independence and increase their capacity to act as national human rights protection mechanisms;

24. *Commends* the high priority given by the Office of the High Commissioner to work on national human rights institutions, encourages the High Commissioner, in view of the expanded activities relating to national institutions, to ensure that appropriate arrangements are made and budgetary resources provided to continue and further extend activities in support of national institutions, and invites Governments to contribute additional voluntary funds to that end;

25. *Welcomes* the important role played by the Global Alliance of National Human Rights Institutions, in close cooperation with the Office of the High Commissioner, in assisting Governments, when requested, in the establishment and strengthening of national human rights institutions in accordance with the Paris Principles, in assessing the conformity of national human rights institutions with the Paris Principles and in providing technical assistance to strengthen national human rights institutions, upon request, with a view to enhancing their compliance with the Paris Principles, and calls upon Member States and other stakeholders, including United Nations agencies, to follow up on the recommendations of the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions, with a view to enabling national human rights institutions to fully comply with the Paris Principles in both law and practice;

26. *Encourages* national institutions, including ombudsman and mediator institutions, to seek accreditation status through the Global Alliance of National Human Rights Institutions;

27. *Encourages* all Member States to take appropriate steps to promote the exchange of information and experience concerning the establishment and effective operation of national human rights institutions and to support the work of the Global Alliance of National Human Rights Institutions and its regional coordinating networks in this regard, including through support for the relevant technical assistance programmes of the Office of the High Commissioner;

28. *Calls upon* the Secretary-General to continue to encourage national human rights institutions to interact with and advocate independent participation in all relevant United Nations mechanisms and processes, in accordance with their respective mandates, existing rules of procedure and modalities;

29. *Requests* the Secretary-General to continue to provide the assistance necessary for holding international and regional meetings of national institutions, including meetings of the Global Alliance of National Human Rights Institutions, in cooperation with the Office of the High Commissioner;

30. *Also requests* the Secretary-General to report to the General Assembly at its seventy-fourth session on the implementation of the present resolution.

73rd plenary meeting
19 December 2017

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[*on the report of the Third Committee (A/72/439/Add.2)*]

72/182. Protection of and assistance to internally displaced persons

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling that internally displaced persons are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border,[1]

Recognizing that internally displaced persons are to enjoy, in full equality, the same rights and freedoms under international and domestic law as do other persons in their country,

Deeply disturbed by the alarmingly high numbers of internally displaced persons throughout the world, for reasons including violations and abuses of human rights and violations of international humanitarian law, armed conflict, persecution, violence and other reasons, including terrorism, as well as natural and human-made disasters, who receive inadequate protection and assistance, and conscious of the serious challenges that this is creating for host communities, national and local authorities and the international community,

Mindful of the significant humanitarian assistance required to meet the needs of people in protracted situations of internal displacement and of the large gap between needs and resources,

Recalling the very large number of people who are displaced within national borders and the potential for such persons to seek protection and assistance in other countries as refugees or migrants, and noting the need for reflection on effective strategies to ensure adequate protection and assistance for internally displaced

[1] See Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2, annex), introduction, para. 2.

persons in this regard, including the need for comprehensive and disaggregated data and other measures aimed at preventing and reducing such displacements,

Recognizing the increase in the number and scale of natural disasters, including those related to the adverse effects of climate change, which in certain instances may contribute to displacement and additional pressure on host communities, encouraging the United Nations and all relevant actors to strengthen efforts in cooperation with national Governments aimed at addressing the needs of persons displaced internally by natural disasters, including those exacerbated by climate change, and noting in this regard the importance of sharing best practices to prevent and prepare for such displacements,

Expressing concern that many millions of people are displaced each year by sudden-onset disasters, and recognizing that disaster risk reduction and climate-change adaptation measures can reduce disaster displacement risk, including through integrating disaster risk reduction strategies into national, regional and global development policies and programmes,

Recognizing that the vulnerability of internally displaced persons may increase when their host communities are affected by disasters,

Conscious of the human rights, humanitarian and development dimensions, as well as the possible peacebuilding and transitional justice dimensions, of internal displacement, including in protracted displacement situations, and the responsibilities of States, with the support of the international community, to ensure the provision of protection and assistance, including by respecting and protecting the human rights and fundamental freedoms of all internally displaced persons, with a view to finding durable solutions,

Conscious also of the specific needs of those who may be particularly vulnerable, including women, children, older persons and persons with disabilities, and the need to ensure that their specific needs are met through the provision of adequate protection and access to assistance,

Recognizing that the 2030 Agenda for Sustainable Development[2] seeks to address the needs of the most vulnerable, including internally displaced persons, and that addressing the needs of internally displaced persons can help countries to achieve their overall development goals,

Emphasizing that States have the primary responsibility to provide protection and assistance to internally displaced persons within their jurisdiction, without discrimination, as well as to address the root causes of the displacement problem and to support all durable solutions in appropriate cooperation with those displaced, their hosts, civil society, local authorities, development actors, the private sector and the international community,

Reaffirming that all persons, including those who are internally displaced, without discrimination, have the right to freedom of movement and residence and should be protected against arbitrary displacement,

Noting the need to address the root causes of displacement and for increased awareness within the international community of the issue of internal displacement worldwide, including the situation of millions living in protracted situations of displacement, many of them outside camp settings and in urban areas, and the urgency of providing adequate humanitarian assistance and protection to internally displaced persons, ensuring protection from landmines and other explosive remnants of war and supporting host communities and local organizations,

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[2] Resolution 70/1.

Noting also the need for finding durable solutions for internally displaced persons in their countries and addressing possible obstacles in this regard, and recognizing that durable solutions include voluntary and sustainable return in safety and with dignity, as well as voluntary local integration in the areas to which persons have been displaced or voluntary settlement in another part of the country, without prejudice to the right of internally displaced persons to leave their country or to seek asylum,

Recognizing the important contributions made by national and local authorities and host communities to protect and assist internally displaced persons, acknowledging that the hosting of large groups of internally displaced persons can put pressure on those authorities and communities, and recognizing also the importance of supporting host communities, as well as local capacities, by addressing their needs,

Emphasizing that all durable solutions for internally displaced persons should be approached from a humanitarian and development perspective and should involve the timely engagement of internally displaced persons and host communities,

Underlining the necessity of safe and unhindered humanitarian access for the relevant United Nations agencies and humanitarian organizations to internally displaced persons, including those residing in conflict areas, in accordance with international law,

Expressing particular concern at the increased level of discrimination experienced by internally displaced persons,

Recalling the relevant norms of international law, including international human rights law, international humanitarian law and international refugee law, and recognizing that the protection of internally displaced persons has been strengthened by identifying, reaffirming and consolidating specific standards for their protection, in particular through the Guiding Principles on Internal Displacement,[3]

Recalling also the relevance of international humanitarian law, including the Geneva Conventions of 1949[4] and the Additional Protocols thereto of 1977,[5] as a vital legal framework for the protection of and assistance to civilians in armed conflict and under foreign occupation, including internally displaced persons,

Recognizing that violations of international humanitarian law can cause displacement, and recalling that displacement could be reduced if international humanitarian law was respected by all parties to armed conflict, in particular the fundamental principles of distinction, proportionality and precaution, as well as the prohibition of forced displacement of the civilian population, unless the security of the civilians involved or imperative military reasons so demand,[6]

Welcoming the increasing dissemination, promotion, application and integration into domestic laws and policies of the Guiding Principles on Internal Displacement when dealing with situations of internal displacement,

Recognizing that 2018 marks the twentieth anniversary of the issuance of the Guiding Principles on Internal Displacement, and acknowledging that this offers an important opportunity to raise awareness of those standards and of the plight of internally displaced persons in all regions of the world,

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[3] E/CN.4/1998/53/Add.2, annex.

[4] United Nations, *Treaty Series*, vol. 75, Nos. 970–973.

[5] Ibid., vol. 1125, Nos. 17512 and 17513.

[6] Ibid., vol. 1125, No. 17513, arts. 13 and 17.

Deploring practices of forced displacement and their negative consequences for the enjoyment of human rights and fundamental freedoms by large groups of populations, and recalling the relevant provisions of the Rome Statute of the International Criminal Court that define the deportation or forcible transfer of population as a crime against humanity and the unlawful deportation, transfer or ordering of the displacement of the civilian population as war crimes,[7]

Expressing its appreciation to those Governments and intergovernmental, regional and non-governmental organizations that have supported and facilitated the work of the Special Rapporteur of the Human Rights Council on the human rights of internally displaced persons, and of her predecessors, the former representatives of the Secretary-General on the human rights of internally displaced persons, and have helped, according to their roles and responsibilities, to provide protection and assistance to internally displaced persons,

Welcoming the continuing cooperation between the Special Rapporteur and national Governments and the relevant offices and agencies of the United Nations as well as with other international and regional organizations, and encouraging further strengthening of this collaboration in order to promote better strategies for, protection of, assistance to and durable solutions for internally displaced persons,

Acknowledging with appreciation the important and independent contribution of the International Red Cross and Red Crescent Movement and other humanitarian agencies in protecting and assisting internally displaced persons, in cooperation with national Governments and relevant international bodies,

Welcoming the priorities set by the Special Rapporteur as contained in the report to the Human Rights Council at its thirty-fifth session[8] and the two strategic objectives of supporting Governments in developing national instruments and institutions on internal displacement and facilitating viable, durable solutions for internally displaced persons, including through the engagement of development actors,

Recalling the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[9] regarding the need to develop global strategies to address the problem of internal displacement, and recalling also all relevant resolutions of the General Assembly and the Security Council,

Recalling also its resolution 70/165 of 17 December 2015 and Human Rights Council resolution 32/11 of 1 July 2016,[10]

Reaffirming its resolution 46/182 of 19 December 1991 and the guiding principles contained in the annex thereto, other relevant General Assembly and Economic and Social Council resolutions and agreed conclusions of the Council, reaffirming also the principles of humanity, neutrality, impartiality and independence in the provision of humanitarian assistance and reaffirming further the need for all actors engaged in the provision of humanitarian assistance in situations of complex emergencies and natural disasters to promote and fully respect these principles,

[7] Ibid., vol. 2187, No. 38544, art. 7, paras. 1 (d) and 2 (d), and art. 8, paras. 2 (a) (vii) and 2 (e) (viii).

[8] A/HRC/35/27, A/HRC/35/27/Add.1, A/HRC/35/27/Add.2 and A/HRC/35/27/Add.3.

[9] A/CONF.157/24 (Part I), chap. III.

[10] See *Official Records of the General Assembly, Seventy-first Session, Supplement No. 53* (A/71/53), chap. V, sect. A.

1. *Takes note with appreciation* of the main report of the Special Rapporteur of the Human Rights Council on the human rights of internally displaced persons[11] and the conclusions contained therein;

2. *Commends* the Special Rapporteur for the activities undertaken so far, for the catalytic role that she plays in raising the level of awareness about the plight of internally displaced persons and for her ongoing efforts to address their development and other specific needs, including through the mainstreaming of the human rights of internally displaced persons into all relevant parts of the United Nations system;

3. *Encourages* the Special Rapporteur, through continuous dialogue with Governments and all intergovernmental and non-governmental organizations concerned, to continue her analysis of the reasons for internal displacement and to remain apprised of the needs and human rights of those who are displaced, including the needs of those who may be in particularly vulnerable situations, including women, children, older persons and persons with disabilities, the level of emergency preparedness and ways to strengthen protection and assistance, including by enhancing the role of national human rights institutions, where appropriate, and the protection of internally displaced persons, as well as durable solutions for internally displaced persons, including by addressing possible obstacles to the exercise of housing, land and property rights for internally displaced persons, also encourages the Special Rapporteur, with regard to the latter, to use, in her activities, the Framework on Durable Solutions for Internally Displaced Persons of the Inter-Agency Standing Committee,[12] and further encourages the Special Rapporteur to continue to advocate the needs of host communities and promote comprehensive strategies, taking into account the primary responsibility of States for the protection of and assistance to internally displaced persons within their jurisdiction;

4. *Recognizes* the adverse effects of climate change as contributors to environmental degradation and extreme weather events, which may, among other factors, contribute to human displacement, and in this regard notes the adoption of the Sendai Framework for Disaster Risk Reduction 2015–2030[13] in March 2015, the Paris Agreement,[14] adopted under the United Nations Framework Convention on Climate Change, in December 2015 and relevant initiatives related to internal displacement, such as the Nansen Initiative, and their follow-up processes, and encourages the Special Rapporteur, in close collaboration with States and intergovernmental and non-governmental organizations, to continue to explore the human rights implications and dimensions of disaster-induced internal displacement, with a view to supporting Member States in their efforts to build local resilience and capacity to prevent and prepare for displacement or to provide assistance through well-planned recovery programmes that support internally displaced persons and their hosts and provide protection to those who are forced to flee;

5. *Also recognizes* that internal displacement is not only a humanitarian but also a development challenge, and calls upon States to provide durable solutions and address possible obstacles in this regard and to include the needs, vulnerabilities and capacities of internally displaced persons and host communities in their national development plans;

6. *Encourages* closer cooperation between development and humanitarian actors, in accordance with their respective mandates, towards collective results over multiple years, with the aim of reducing the needs and vulnerabilities of internally

[11] A/HRC/35/27.

[12] A/HRC/13/21/Add.4.

[13] Resolution 69/283, annex II.

[14] See FCCC/CP/2015/10/Add.1, decision 1/CP.21, annex.

displaced persons, in support of national priorities, while fully respecting the importance of humanitarian principles for humanitarian action;

7. *Urges* all countries to integrate the 2030 Agenda for Sustainable Development[2] into their respective national policies and development frameworks, as appropriate, and recalls that the 2030 Agenda seeks to address the needs of the most vulnerable, including internally displaced persons;

8. *Requests* Member States to strengthen their efforts to ensure the protection of and better assistance to internally displaced persons, in particular to address the challenges of protracted displacement, by adopting and implementing gender-sensitive policies and strategies, in accordance with national and regional frameworks, while recognizing the Guiding Principles on Internal Displacement[3] as an important international framework for the protection of internally displaced persons, and in this regard recognizes the central role of national and local authorities and institutions in addressing the specific needs of internally displaced persons and in finding solutions to displacement through, inter alia, continued and enhanced international support, upon request, for the capacity-building of States;

9. *Encourages* Member States, United Nations organizations, the Special Rapporteur, regional organizations and national human rights institutions, as well as non-governmental organizations and other stakeholders, to mark the twentieth anniversary of the issuance of the Guiding Principles on Internal Displacement so as to further demonstrate and strengthen collaboration on practices in addressing the challenges of internal displacement;

10. *Encourages* strengthened international cooperation, in particular between humanitarian and development actors, including through the provision of resources, coherent multi-year planning that addresses protracted displacement and expertise to assist affected countries, in particular developing countries, in their national efforts and policies related to assistance, protection, resilience-building and rehabilitation for internally displaced persons and host communities, as appropriate, and the integration of the human rights and needs of internally displaced persons into both rural and urban development strategies, as well as the participation of both internally displaced persons and host communities in the design and implementation of those strategies;

11. *Recognizes* that Member States have the primary responsibility to promote durable solutions for their internally displaced persons, as well as to respect, protect and fulfil their human rights, thus contributing to their national, economic and social development processes, and encourages the international community, the United Nations system, the Special Rapporteur, relevant international and regional organizations and donor countries to continue to support international, regional and national efforts to meet the needs and fulfil the human rights of internally displaced persons on the basis of solidarity, the principles of international cooperation and the Guiding Principles on Internal Displacement and to ensure that humanitarian assistance, early recovery and development assistance efforts are appropriately funded;

12. *Expresses deep concern* at the threat posed by landmines, explosive remnants of war and improvised explosive devices to internally displaced persons fleeing conflict, impeding, in certain instances, their voluntary return, local integration and resettlement and the safe delivery of humanitarian assistance;

13. *Welcomes* the initiatives undertaken by regional organizations, such as the African Union, the International Conference on the Great Lakes Region, the Organization of American States and the Council of Europe, to address the protection, assistance and development needs of internally displaced persons and to find durable

solutions for them, and encourages regional organizations to strengthen their activities and their cooperation with the Special Rapporteur;

14. *Also welcomes* the recent ratification by several States of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), which builds on the Protocol on the Protection of and Assistance to Internally Displaced Persons and the Protocol on the Property Rights of Returning Persons, adopted by the International Conference on the Great Lakes Region, and which marks a significant step towards strengthening the national and regional normative framework for the protection of and assistance to internally displaced persons in Africa, further welcomes the holding of the first Conference of States Parties to the Convention in April 2017, encourages African States to sign and/or ratify the Convention, and encourages other regional mechanisms to develop their own regional normative frameworks for the protection of internally displaced persons;

15. *Calls upon* all parties to armed conflict to comply with their obligations under international humanitarian law, and international human rights law, as applicable, with a view to preventing forced displacement and promoting the protection of civilians, and calls upon Governments to take measures to respect and protect the human rights of all internally displaced persons, without distinction of any kind, in accordance with their applicable obligations under international law;

16. *Expresses particular concern* that many internally displaced children, in particular girls, lack access to education in all phases of displacement owing to attacks against schools, damaged or destroyed school buildings, insecurity, the prevalence of violence, including gender-based violence, in and around schools, loss of documentation, language barriers and discrimination, calls upon States, in cooperation with all other relevant actors, including humanitarian and development agencies and donors, to ensure the right to a quality education, including primary and secondary education, for internally displaced children, without discrimination of any kind, as well as to support existing schools to enable them to include internally displaced persons, calls upon all parties to armed conflict to respect the civilian character of schools and other educational institutions and to refrain from undertaking actions that could adversely affect the protection of these buildings against direct attacks, and strongly condemns all attacks, as well as threats of attack, against schools, in contravention of international humanitarian law;

17. *Also expresses particular concern* about the full range of threats, violations and abuses of human rights and violations of international humanitarian law experienced by many internally displaced persons, including women and children, who are particularly vulnerable or specifically targeted especially for sexual and gender-based violence and sexual exploitation and abuse, trafficking in persons, forced recruitment and abduction, encourages the continued commitment of the Special Rapporteur to promote action to address their particular assistance and protection needs, and calls upon States, in cooperation with international agencies and other stakeholders, to provide protection and assistance to internally displaced persons who are victims of the above-mentioned threats, violations and abuses, as well as other groups of internally displaced persons with special needs, such as severely traumatized individuals, older persons and persons with disabilities, taking into account all relevant resolutions of the General Assembly and the Security Council;

18. *Emphasizes* the importance of communication and consultation with internally displaced persons and host communities by Governments and other relevant actors, in accordance with their specific mandates, during all phases of displacement, as well as the participation of internally displaced persons, where appropriate, in

policies, programmes and activities pertaining to them, taking into account the primary responsibility of States for the protection of and assistance to internally displaced persons within their jurisdiction;

19. *Calls upon* States, in cooperation with international agencies and other stakeholders, to provide for and support, in particular, the full and meaningful participation of internally displaced women at all levels of decision-making processes and in all activities that have a direct impact on their lives, in all aspects of internal displacement, including the promotion and protection of human rights, the prevention of human rights violations and the design and implementation of durable solutions, peace processes, peacebuilding, transitional justice, post-conflict reconstruction and development;

20. *Notes* the importance of taking the human rights and the specific protection and assistance needs of internally displaced persons into consideration, when appropriate, in peace processes, and emphasizes that durable solutions for internally displaced persons, including through voluntary return, sustainable reintegration, rehabilitation and reconciliation processes and their active participation, as appropriate, in the peace process are necessary elements of effective peacebuilding;

21. *Welcomes* the role of the Peacebuilding Commission in this regard, and continues to urge the Commission to intensify its efforts, within its mandate, in cooperation with national and transitional Governments and in consultation with the relevant United Nations entities, to incorporate the rights and the specific needs of internally displaced persons, including their voluntary return in safety and with dignity, reintegration and rehabilitation, as well as related land and property issues, when advising on or proposing country-specific peacebuilding strategies for post-conflict situations in cases under consideration;

22. *Encourages* the international community to provide technical cooperation to States affected by displacement, upon their request, including for the training of staff members of institutions in charge of registration and development of national laws and policies on internal displacement and issues related to land and property restitution and compensation;

23. *Welcomes* the fact that an increasing number of States, United Nations organizations and regional and non-governmental organizations are applying the Guiding Principles on Internal Displacement as a standard, and encourages all relevant actors to make use of the Guiding Principles when dealing with situations of internal displacement;

24. *Also welcomes* the use of the Guiding Principles on Internal Displacement by the Special Rapporteur in her dialogue with Governments, intergovernmental and non-governmental organizations and other relevant actors, and requests her to continue her efforts to further their dissemination, promotion, application and integration into domestic laws and policies and to provide support for efforts to promote capacity-building and the use of the Guiding Principles, as well as the development of domestic legislation and policies;

25. *Expresses its appreciation* for the fact that an increasing number of States have adopted domestic legislation and policies dealing with all stages of displacement, encourages States to continue to do so in an inclusive and non-discriminatory way, consistent with the Guiding Principles on Internal Displacement, urges States to increase their efforts to implement such domestic laws and policies, including through the identification of national focal points within Governments for issues of internal displacement, in particular for setting national targets and indicators for policy and programmes and for the allocation of budget

resources, and encourages the international community and national actors to provide financial support and cooperation to Governments, upon request, in this regard;

26. *Urges* all Governments to continue to facilitate the activities of the Special Rapporteur, in particular Governments with situations of internal displacement, and to respond favourably to requests from the Special Rapporteur to enable her to continue and enhance dialogue with Governments in addressing situations of internal displacement, and thanks those Governments that have already done so;

27. *Invites* Governments to give serious consideration, in dialogue with the Special Rapporteur, to the recommendations and suggestions addressed to them, in accordance with her mandate, and to inform her of measures taken thereon;

28. *Calls upon* Governments to provide protection and assistance, including reintegration and development assistance, to internally displaced persons and to facilitate the efforts of the relevant United Nations agencies and humanitarian organizations in this regard by allowing and facilitating safe and unhindered access for humanitarian personnel and the delivery of supplies and equipment to internally displaced persons, in accordance with international law, by maintaining the civilian and humanitarian character of camps and settlements for internally displaced persons, where they exist, and by taking the steps necessary to ensure the safety and security of humanitarian personnel so that they may efficiently perform their task of assisting internally displaced persons;

29. *Emphasizes* the central role of the Emergency Relief Coordinator in the coordination of the protection of and assistance to internally displaced persons, inter alia, through the inter-agency cluster system, welcomes continued initiatives to ensure better protection, assistance and development strategies for internally displaced persons, as well as better coordination of activities regarding them, and emphasizes the need to strengthen the capacities of national and local authorities, host communities, local organizations, United Nations organizations and other relevant actors to meet the immense humanitarian challenges of internal displacement;

30. *Encourages* all relevant United Nations organizations and humanitarian assistance, human rights and development organizations to enhance their collaboration and coordination through the Inter-Agency Standing Committee and United Nations country teams in countries with situations of internal displacement and to provide all possible assistance and support to the Special Rapporteur, and requests the continued participation of the Special Rapporteur in the work of the Inter-Agency Standing Committee and its subsidiary bodies;

31. *Encourages* the Inter-Agency Standing Committee to enhance coordination, effectiveness, efficiency and predictability in preventing, responding to and finding solutions to internal displacement;

32. *Encourages* Member States, humanitarian agencies, donors, development actors and other providers of development assistance to continue to work together, in close cooperation with the Special Rapporteur, to provide a more predictable response to the needs of internally displaced persons, including long-term development assistance for the implementation of durable solutions, with a view to reducing internal displacement, takes note of the decision of the Policy Committee of the Secretary-General of 4 October 2011 endorsing the preliminary framework on ending displacement in the aftermath of conflict, notes the roll-out of the decision in selected countries and the lessons learned in that regard, and calls for United Nations agencies implementing the decision to cooperate closely with the Special Rapporteur in that regard and to use the Framework on Durable Solutions for Internally Displaced Persons of the Inter-Agency Standing Committee[12] in a manner that complements the decision of the Policy Committee;

33. *Notes with appreciation* the increased attention paid to the issue of internally displaced persons in humanitarian response plans, and encourages further efforts in this regard;

34. *Expresses deep concern* at the insufficient funding levels of humanitarian appeals, and in this respect urges all relevant actors to provide the relevant United Nations agencies and humanitarian organizations with sufficient and predictable resources to ensure adequate support for those who are forcibly displaced;

35. *Notes with appreciation* the increasing role of national human rights institutions in assisting internally displaced persons and in promoting and protecting their human rights;

36. *Recognizes* the need to collect reliable, timely, longitudinal and disaggregated data, including data disaggregated by sex, age, disability and location, on internally displaced persons and the impact of protracted displacement on host communities in order to improve policy and programming, preventive measures on and response to internal displacement and to promote the achievement of durable solutions, including, in this respect, the relevance of the Global Internal Displacement Database maintained by the Internal Displacement Monitoring Centre and the technical support available from the inter-agency Joint Internally Displaced Person Profiling Service;

37. *Encourages* Member States, members of the Inter-Agency Standing Committee, United Nations humanitarian coordinators and country teams to contribute to the provision of reliable data on internal displacement situations, with the cooperation of the Internal Displacement Monitoring Centre and the technical support and assistance of the Joint Internally Displaced Person Profiling Service, and to provide financial resources, as appropriate, in these respects;

38. *Affirms* the need for the effective implementation of the Sendai Framework for Disaster Risk Reduction 2015–2030[13] to integrate post-disaster reconstruction and recovery, including the principle of "build back better", into the economic and social sustainable development of affected areas, as well as temporary settlements where displaced persons live, to promote periodic disaster preparedness and response exercises in recovery and resettlement efforts, with a view to ensuring a rapid and effective response to disasters and related displacement, and to promote transboundary cooperation to build resilience and reduce disaster risk, including displacement risk;

39. *Takes note* of the first World Humanitarian Summit, held in Istanbul, Turkey, on 23 and 24 May 2016, and also takes note of the report of the Secretary-General on the outcome of the World Humanitarian Summit,[15] which contains, inter alia, recommendations to strengthen partnerships between Member States and humanitarian and development actors to address the urgent and long-term needs of internally displaced persons;

40. *Welcomes* the New Urban Agenda adopted at the United Nations Conference on Housing and Sustainable Urban Development (Habitat III), held in Quito from 17 to 20 October 2016,[16] urges the United Nations, in that regard, to work closely with Member States and other relevant actors, including local governments, civil society and the private sector, to promote more effective emergency preparedness and response in urban areas, and notes the importance of addressing, as appropriate, the particular needs and vulnerabilities of internally displaced persons in urban settings and of supporting host cities, in the spirit of international cooperation;

[15] A/71/353.

[16] Resolution 71/256, annex.

41. *Encourages* Governments, United Nations agencies and other stakeholders to promote an inclusive approach to durable solutions that addresses the needs of internally displaced persons and their host communities, including the promotion of opportunities to fully harness the human potential of the displaced populations by promoting self-sufficiency through income-generating activities and sustainable livelihood opportunities;

42. *Recalls* the need to reflect on effective strategies to ensure adequate protection and assistance for internally displaced persons and to prevent and reduce such displacement, and in this regard encourages the Secretary-General to work with Member States and the United Nations system to explore ways to better address the long-term needs of internally displaced persons, support communities that host them and improve the lives of the many millions of internally displaced persons;

43. *Requests* the Secretary-General to continue to provide the Special Rapporteur, from within existing resources, with all assistance necessary to strengthen and carry out her mandate effectively, and encourages the Office of the United Nations High Commissioner for Human Rights, in close cooperation with the Emergency Relief Coordinator, the Office for the Coordination of Humanitarian Affairs of the Secretariat, the Office of the United Nations High Commissioner for Refugees, the International Organization for Migration and all other relevant United Nations offices and agencies and related organizations, to continue to support and cooperate with the Special Rapporteur;

44. *Encourages* the Special Rapporteur to continue to seek the contributions of States, relevant organizations and institutions in order to create a more stable basis for her work;

45. *Requests* the Special Rapporteur to submit to the General Assembly at its seventy-third and seventy-fourth sessions a report on the implementation of the present resolution;

46. *Decides* to continue its consideration of the question of protection of and assistance to internally displaced persons at its seventy-fourth session.

73rd plenary meeting
19 December 2017

United Nations A/RES/72/183

General Assembly

Distr.: General
23 January 2018

Seventy-second session
Agenda item 72 (b)

Resolution adopted by the General Assembly on 19 December 2017

[*on the report of the Third Committee (A/72/439/Add.2)*]

72/183. International Convention for the Protection of All Persons from Enforced Disappearance

The General Assembly,

Reaffirming its resolution 61/177 of 20 December 2006, by which it adopted and opened for signature, ratification and accession the International Convention for the Protection of All Persons from Enforced Disappearance,

Recalling its resolution 47/133 of 18 December 1992, by which it adopted the Declaration on the Protection of All Persons from Enforced Disappearance as a body of principles for all States,

Recalling also all its other resolutions on the matter, including resolution 70/160 of 17 December 2015, as well as relevant resolutions adopted by the Human Rights Council, including resolution 36/6 of 28 September 2017,[1]

Recalling further its resolution 68/165 of 18 December 2013 on the right to the truth, as well as Human Rights Council resolution 36/7 of 28 September 2017 on the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence,[1]

Recalling its resolution 71/185 of 19 December 2016 on the human rights treaty body system,

Recalling also that no one shall be subjected to enforced disappearance,

Recalling further that no exceptional circumstance whatsoever may be invoked as a justification for enforced disappearance,

Recalling that no one shall be held in secret detention,

[1] See *Official Records of the General Assembly, Seventy-second Session, Supplement No. 53A* (A/72/53/Add.1), chap. III.

Please recycle

Deeply concerned, in particular, by the increase in enforced or involuntary disappearances in various regions of the world, including arrest, detention and abduction, when these are part of or amount to enforced disappearances, and by the growing number of reports concerning harassment, ill-treatment and intimidation of witnesses of disappearances or relatives of persons who have disappeared,

Recalling that the Convention sets out the right of victims to know the truth regarding the circumstances of the enforced disappearance, the progress and results of the investigation and the fate of the disappeared person, and sets forth State party obligations to take appropriate measures in this regard,

Recalling also that the Convention defines the victim of enforced disappearance as the disappeared person and any individual who has suffered harm as the direct result of an enforced disappearance,

Acknowledging that the widespread or systematic practice of enforced disappearance is recognized in the Convention as a crime against humanity, as defined in applicable international law,

Stressing the importance of the work of the Working Group on Enforced or Involuntary Disappearances,

Recalling the high-level meeting of the General Assembly held on 17 February 2017 to commemorate the tenth anniversary of the adoption of the Convention, which provided an opportunity to review the positive impact of the Convention and to discuss ways and best practices to prevent enforced disappearances and to combat impunity by, inter alia, promoting the universal ratification of the Convention,

Welcoming the launch by the United Nations High Commissioner for Human Rights of an international campaign for the universal ratification of the Convention,

Acknowledging the valuable work of the International Committee of the Red Cross in promoting compliance with international humanitarian law in this field,

1. *Recognizes* the importance of the International Convention for the Protection of All Persons from Enforced Disappearance,[2] the ratification and the implementation of which will be a significant contribution to ending impunity and to promoting and protecting all human rights for all;

2. *Welcomes* the fact that 97 States have signed the Convention and 57 have ratified or acceded to it, and calls upon States that have not yet done so to consider signing, ratifying or acceding to the Convention as a matter of priority, as well as to consider the option provided for in articles 31 and 32 of the Convention regarding the Committee on Enforced Disappearances;

3. *Also welcomes* the most recent reports of the Secretary-General on the status of the Convention;[3]

4. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to increase their intensive efforts to assist States in becoming parties to the Convention, including by supporting the actions of States to ratify the Convention, providing technical and capacity-building assistance to States and civil society and raising awareness about the Convention, with a view to achieving universal adherence;

5. *Requests* United Nations agencies and organizations, and invites intergovernmental and non-governmental organizations and the Working Group on Enforced or Involuntary Disappearances, to continue to make efforts to disseminate

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[2] United Nations, *Treaty Series*, vol. 2716, No. 48088.

[3] A/71/278 and A/72/280.

information on the Convention, to promote understanding of it and to assist States parties in implementing their obligations under this instrument;

6. *Welcomes* the first Conference of the States Parties to the Convention, held in Geneva on 19 December 2016, and convened in accordance with article 27 of the Convention, and the decision adopted by consensus that the Committee would continue to monitor the Convention in accordance with its mandate;[4]

7. *Also welcomes* the work achieved by the Committee, and encourages all States parties to the Convention to submit their reports, to support and promote the work of the Committee and to implement its recommendations;

8. *Recognizes* the importance of the Declaration on the Protection of All Persons from Enforced Disappearance[5] as a body of principles for all States that is designed to punish enforced disappearances, to prevent their commission and to help victims of such acts and their families to seek fair, prompt and adequate reparation;

9. *Welcomes* the cooperation established between the Working Group and the Committee, within the framework of their respective mandates, and encourages further cooperation in the future;

10. *Takes note with interest* of all the general comments of the Working Group, including the most recent comments on children[6] and women[7] affected by enforced disappearances, and recognizes in this regard that enforced disappearances have special consequences for women and vulnerable groups, especially children, as they most often bear the serious economic hardships that usually accompany such disappearances and, when subjected to enforced disappearances themselves, may become particularly vulnerable to sexual and other forms of violence;

11. *Welcomes* the fact that the Committee held its annual meeting with the Working Group, as an opportunity to take stock of the activities of the two parallel organs, which are complementary and reinforce each other within the framework of their respective mandates;

12. *Invites* the Chair of the Committee and the Chair of the Working Group to address and engage in an interactive dialogue with the General Assembly at its seventy-third and seventy-fourth sessions under the item entitled "Promotion and protection of human rights";

13. *Requests* the Secretary-General to submit to the General Assembly at its seventy-fourth session a report on the status of the Convention and the implementation of the present resolution;

14. *Decides* to give its full consideration to the subject matter at its seventy-fourth session.

73rd plenary meeting
19 December 2017

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[4] See CED/CSP/2016/4.
[5] Resolution 47/133.
[6] A/HRC/WGEID/98/1 and A/HRC/WGEID/98/1/Corr.1.
[7] A/HRC/WGEID/98/2.

United Nations A/RES/72/184

General Assembly

Distr.: General
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Seventy-second session
Agenda item 72 (b)

Resolution adopted by the General Assembly on 19 December 2017

[*on the report of the Third Committee (A/72/439/Add.2)*]

72/184. Effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

The General Assembly,

Recalling its resolution 47/135 of 18 December 1992, by which it adopted the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities annexed to that resolution, and bearing in mind article 27 of the International Covenant on Civil and Political Rights[1] as well as other relevant existing international and regional standards and national legislation,

Recalling also its subsequent resolutions on the effective promotion of the Declaration and all relevant resolutions of the Human Rights Council,

Affirming that the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities and dialogue between these minorities and the rest of society, as well as the constructive and inclusive development of practices and institutional arrangements to accommodate diversity within societies, contribute to political and social stability and the prevention and peaceful resolution of conflicts involving the rights of persons belonging to national or ethnic, religious and linguistic minorities,

Welcoming the adoption of the 2030 Agenda for Sustainable Development,[2] of which the Addis Ababa Action Agenda of the Third International Conference on Financing for Development[3] is an integral part, recalling that the Sustainable Development Goals and targets seek to realize the human rights of all, and stressing the need for Member States to integrate the 2030 Agenda into their respective national policies and development frameworks, as appropriate, to promote the effective implementation, follow-up and review of the 2030 Agenda, in order to ensure that no one is left behind,

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[1] See resolution 2200 A (XXI), annex.
[2] Resolution 70/1.
[3] Resolution 69/313, annex.

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Please recycle

Expressing concern at the frequency and severity of disputes and conflicts involving persons belonging to national or ethnic, religious and linguistic minorities in many countries and their often tragic consequences, and that such persons often suffer disproportionately from the effects of conflicts resulting in the violation of their human rights and are particularly vulnerable to displacement through, inter alia, population transfers, revocation of previously held identity documents, refugee flows and forced relocation,

Emphasizing the need for reinforced efforts to realize the rights of persons belonging to national or ethnic, religious and linguistic minorities, including by addressing economic and social conditions and marginalization, as well as to end any type of discrimination against them, including by addressing multiple, aggravated and intersecting forms of discrimination,

Emphasizing also the fundamental importance of human rights education, training and learning as well as of dialogue, including intercultural and interfaith dialogue, and interaction among all relevant stakeholders and members of society on the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities,

Recognizing the importance of realizing the right to education for all and, wherever possible, providing persons belonging to national or ethnic, religious and linguistic minorities with adequate opportunities to learn their own language or to have instruction in their own language,

Affirming that the seventy-fifth anniversary of the adoption of the Declaration offers an important opportunity to intensify efforts to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities, including by taking stock of, and sharing among States and other stakeholders information on, the achievements, best practices and challenges with regard to the implementation of the Declaration, the diverse ways in which it has been used and implemented in practice at the local, national, regional and international levels and the impact that it has had on national legislation, policies and practices and institutional mechanisms and their activities and programmes to advance the rights of persons belonging to national or ethnic, religious and linguistic minorities, as well as the effect that it has had on the ground,

Emphasizing the important role that national institutions can play in the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities, and acknowledging the role that the United Nations, its specialized agencies and other relevant organizations, and the Special Rapporteur of the Human Rights Council on minority issues, play in this regard by, inter alia, promoting the implementation of the Declaration,

1. *Reaffirms* the obligation of States to ensure that persons belonging to national or ethnic, religious and linguistic minorities may exercise fully and effectively all human rights and fundamental freedoms without any discrimination and in full equality before the law, as proclaimed in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,[4] and draws attention to the relevant provisions of the Durban Declaration and Programme of Action,[5] including the provisions on forms of multiple discrimination;

2. *Urges* States and the international community to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities, as set out in the Declaration, including through the encouragement of conditions for

[4] Resolution 47/135, annex.

[5] See A/CONF.189/12 and A/CONF.189/12/Corr.1, chap. I.

the promotion of their identity, the provision of adequate education and the facilitation of their participation in all aspects of the political, economic, social, religious and cultural life of society and in the economic progress and development of their country, without discrimination, and to apply a gender perspective while doing so;

3. *Encourages* States to take appropriate measures so that, wherever possible, persons belonging to national or ethnic, religious and linguistic minorities may have adequate opportunities to learn their own language or to have instruction in their own language;

4. *Urges* States to take all appropriate measures, inter alia, constitutional, legislative, administrative and other measures, for the promotion and implementation of the Declaration, and appeals to States to cooperate bilaterally and multilaterally, in particular on the exchange of best practices and lessons learned, in accordance with the Declaration, in order to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities;

5. *Recommends* that States use the twenty-fifth anniversary of the Declaration as an opportunity to reflect on current and emerging challenges facing persons belonging to national or ethnic, religious and linguistic minorities, including the rise in persecution on religious and ethnic grounds and increasing levels of hate crimes and hate speech targeting, among others, persons belonging to national or ethnic, religious and linguistic minorities;

6. *Also recommends* that States ensure that all measures taken with a view to implementing the Declaration are, to the fullest extent possible, developed, designed, implemented and reviewed with the full, effective and equal participation of persons belonging to national or ethnic, religious and linguistic minorities;

7. *Calls upon* States to take all appropriate measures to ensure the protection of children belonging to national or ethnic, religious and linguistic minorities who are at risk of or have experienced violence, in accordance with the relevant obligations under the Convention on the Rights of the Child,[5] and of women who can be exposed to both gender-based violence and violence on the grounds of their belonging to national or ethnic, religious and linguistic minorities, and to give special attention to the situation and specific needs of older persons and persons with disabilities belonging to national or ethnic, religious and linguistic minorities;

8. *Recommends* that States and other relevant actors ensure to the fullest extent possible that the Declaration is translated into all minority languages and disseminated widely;

9. *Expresses its appreciation* for the successful completion, in November 2016, of the ninth session of the Forum on Minority Issues, on the theme "Minorities in situations of humanitarian crises", which, through the widespread participation of stakeholders, provided an important platform for the promotion of dialogue on this topic and, as part of its outcome, produced recommendations to prevent crises and the disproportionate effect of crises on persons belonging to national or ethnic, religious and linguistic minorities, promote respect for the rights of persons belonging to national or ethnic, religious and linguistic minorities during crises and ensure durable solutions for persons belonging to national or ethnic, religious and linguistic minorities after crises,[6] and encourages States to take into consideration the relevant recommendations of the Forum;

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[5] United Nations, *Treaty Series*, vol. 1577, No. 27531.

[6] A/HRC/34/68.

10. *Calls upon* States, while bearing in mind the theme of the ninth session of the Forum and with a view to enhancing the implementation of the Declaration and ensuring the realization of the rights of persons belonging to national or ethnic, religious and linguistic minorities, to take appropriate measures by, inter alia:

(a) Reviewing any legislation, policy or practice that has a discriminatory or disproportionately negative effect on persons belonging to national or ethnic, religious and linguistic minorities and that may render them vulnerable, with a view to considering its amendment;

(b) Enhancing efforts to prevent and combat acts of violence specifically targeting persons belonging to national or ethnic, religious and linguistic minorities;

(c) Strongly condemning any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, and adopting and implementing measures to criminalize incitement to imminent violence based on nationality, race, religion or belief, while respecting all internationally recognized human rights and fundamental freedoms;

(d) Developing effective and adequate disaster risk reduction programmes that include measures to enhance the preparedness of potentially affected populations and, where necessary, address the specific needs of persons belonging to national or ethnic, religious and linguistic minorities;

(e) Ensuring that protection responses are participatory, non-discriminatory and sensitive to the specific needs of persons belonging to national or ethnic, religious and linguistic minorities;

(f) Ensuring the restoration or reissuance of identity documents to persons belonging to national or ethnic, religious and linguistic minorities after a humanitarian emergency, including documents such as birth certificates or nationality documentation, so that the risk of statelessness is prevented;

(g) Ensuring that persons belonging to national or ethnic, religious and linguistic minorities affected by displacement are adequately included, on an equal basis with other persons affected, in any durable solution, strategy or displacement-focused policy developed following the displacement of a population;

11. *Also calls upon* States to integrate the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities, as well as effective non-discrimination and equality for all, into strategies for the prevention and resolution of conflicts involving these minorities, while ensuring their full and effective participation in the design, implementation and evaluation of such strategies;

12. *Takes note* of the report of the Secretary-General on the effective promotion of the Declaration[8] and the reports of the Special Rapporteur of the Human Rights Council on minority issues, and their special focus on minorities in situations of humanitarian crises[9] and on main concerns and recommendations from all thematic reports;[10]

13. *Commends* the Special Rapporteur for the work that has been done and the important role played in raising the level of awareness of and in giving added visibility to the rights of persons belonging to national or ethnic, religious and linguistic minorities;

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[8] A/72/219.
[9] A/71/254.
[10] A/72/165.

14. *Calls upon* all States to cooperate with and assist the Special Rapporteur in the performance of the tasks and duties mandated to him, to provide him with all the necessary information requested and to seriously consider responding promptly and favourably to the requests of the Special Rapporteur to visit their countries in order to enable him to fulfil his duties effectively;

15. *Encourages* the specialized agencies, regional organizations, national human rights institutions and non-governmental organizations to develop regular dialogue and cooperation with the mandate holder, as well as to continue to contribute to the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities;

16. *Calls upon* the United Nations High Commissioner for Human Rights to continue to promote, within his mandate, the implementation of the Declaration, and to engage in a dialogue with Governments for that purpose and regularly update and disseminate widely the United Nations Guide for Minorities;

17. *Welcomes* the inter-agency cooperation among United Nations agencies, funds and programmes on minority issues, led by the Office of the United Nations High Commissioner for Human Rights, and urges them to further increase their coordination and cooperation by, inter alia, developing policies on the promotion and protection of the rights of persons belonging to minorities, drawing also on relevant outcomes of the Forum and taking into account the work of relevant regional organizations;

18. *Calls upon* the Secretary-General to make available, at the request of Governments concerned, qualified expertise on minority issues, including in the context of the prevention and resolution of disputes and conflicts, to assist in resolving existing or potential situations involving minorities;

19. *Invites* the human rights treaty bodies, as well as special procedures of the Human Rights Council, to continue to give attention, within their respective mandates, to situations and rights of persons belonging to national or ethnic, religious and linguistic minorities and in this regard to take into consideration relevant recommendations of the Forum;

20. *Invites* the United Nations mechanisms and bodies, the specialized agencies and regional organizations, within their respective mandates, to continue to contribute to the protection and the prevention of violations of the rights of persons belonging to national or ethnic, religious and linguistic minorities, including by strengthening cooperation in respect of information-gathering and improving the information flow between themselves and with States;

21. *Encourages* regional intergovernmental bodies, within their respective regions, to promote greater attention to the rights of persons belonging to national or ethnic, religious and linguistic minorities by, inter alia, actively raising awareness of and promoting the Declaration in their work, encouraging its implementation at the national level and considering the creation of thematic and/or special mechanisms on this issue;

22. *Encourages* national human rights institutions to pay due attention to the rights of persons belonging to national or ethnic, religious and linguistic minorities, including by monitoring situations of potential threats for persons belonging to national or ethnic, religious and linguistic minorities, and by investigating and reporting, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles)[11] and their respective mandates, episodes of targeted violence against persons

[11] Resolution 48/134, annex.

belonging to minorities, including, when necessary, to regional and international bodies;

23. *Encourages* civil society, including non-governmental organizations, to promote awareness of the Declaration and to review the extent to which it integrates the rights of persons belonging to national or ethnic, religious and linguistic minorities and the Declaration into its work, as well as to inform persons belonging to national or ethnic, religious and linguistic minorities about their rights;

24. *Requests* the Special Rapporteur to report annually to the General Assembly and include recommendations for effective strategies for the better implementation of the rights of persons belonging to national or ethnic, religious and linguistic minorities;

25. *Requests* the Secretary-General to submit to the General Assembly at its seventy-fourth session a report on the implementation of the present resolution, including information on activities undertaken by Member States, the Office of the High Commissioner, the Special Rapporteur, relevant United Nations entities and other relevant stakeholders to enhance the implementation of the Declaration and to ensure the realization of the rights of persons belonging to national or ethnic, religious and linguistic minorities, with a focus on the international legal and institutional framework for the protection of the rights of all persons belonging to national or ethnic, religious and linguistic minorities;

26. *Decides* to continue consideration of the question at its seventy-fourth session under the item entitled "Promotion and protection of human rights".

73rd plenary meeting
19 December 2017

United Nations A/RES/72/185

General Assembly

Distr.: General
25 January 2018

Seventy-second session
Agenda item 72 (b)

Resolution adopted by the General Assembly on 19 December 2017

[*on the report of the Third Committee (A/72/439/Add.2)*]

72/185. Globalization and its impact on the full enjoyment of all human rights

The General Assembly,

Reaffirming the purposes and principles of the Charter of the United Nations, and expressing, in particular, the need to achieve international cooperation in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction,

Recalling the Universal Declaration of Human Rights,[1] as well as the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[2] the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance on 8 September 2001,[3] the outcome document of the Durban Review Conference adopted on 24 April 2009,[4] and the political declaration of the high-level meeting of the General Assembly to commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action, entitled "United against racism, racial discrimination, xenophobia and related intolerance", of 22 September 2011,[5]

Recalling also the International Covenant on Civil and Political Rights[6] and the International Covenant on Economic, Social and Cultural Rights,[6]

Recalling further the Declaration on the Right to Development adopted by the General Assembly in its resolution 41/128 of 4 December 1986,

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[1] Resolution 217A (III).
[2] A/CONF.157/24 (Part I), chap. III.
[3] See A/CONF.189/12 and A/CONF.189/12/Corr.1, chap. I.
[4] See A/CONF.211/8, chap. I.
[5] Resolution 66/3.
[6] See resolution 2200 A (XXI), annex.

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Recalling the United Nations Millennium Declaration[7] and the outcome documents of the twenty-third[8] and twenty-fourth[9] special sessions of the General Assembly, held in New York from 5 to 10 June 2000 and in Geneva from 26 June to 1 July 2000, respectively,

Recalling also its resolution 70/1 of 25 September 2015, entitled "Transforming our world: the 2030 Agenda for Sustainable Development",

Recalling further its resolutions 66/154 of 19 December 2011, 67/165 of 20 December 2012, 68/168 of 18 December 2013, 69/173 of 18 December 2014, 70/159 of 17 December 2015 and 71/197 of 19 December 2016,

Recalling Commission on Human Rights resolution 2005/17 of 14 April 2005 on globalization and its impact on the full enjoyment of all human rights,[10]

Recalling also Human Rights Council resolutions 21/5 of 27 September 2012[11] on the contribution of the United Nations system as a whole to the advancement of the business and human rights agenda and the dissemination and implementation of the Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework,[12] 26/9 of 26 June 2014[13] on the elaboration of an international legally binding instrument on transnational corporations and other business enterprises with respect to human rights, and 26/22 of 27 June 2014[13] on human rights and transnational corporations and other business enterprises,

Recognizing that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis,

Realizing that globalization affects all countries differently and makes them more exposed to external developments, positive as well as negative, inter alia, in the field of human rights,

Realizing also that globalization is not merely an economic process, but that it also has social, political, environmental, cultural and legal dimensions, which have an impact on the full enjoyment of all human rights and fundamental freedoms,

Emphasizing the need to fully implement the global partnership for development and enhance the momentum generated by the 2005 World Summit in order to operationalize and implement the commitments made in the outcomes of the major United Nations conferences and summits, including the 2005 World Summit, in the economic, social and related fields, and reaffirming in particular the commitment contained in paragraphs 19 and 47 of the 2005 World Summit Outcome[14] to promote fair globalization and the development of the productive sectors in developing countries to enable them to participate more effectively in and benefit from the process of globalization,

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[7] Resolution 55/2.

[8] Resolution S-23/2, annex, and resolution S-23/3, annex.

[9] Resolution S-24/2, annex.

[10] See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* and corrigenda (E/2005/23, E/2005/23/Corr.1 and E/2005/23/Corr.2), chap. II, sect. A.

[11] See *Official Records of the General Assembly, Sixty-seventh Session, Supplement No 53A* (A/67/53/Add.1), chap. III.

[12] A/HRC/17/31, annex.

[13] See *Official Records of the General Assembly, Sixty-ninth Session, Supplement No. 53* (A/69/53), chap. V, sect. A.

[14] Resolution 60/1.

Realizing the need to undertake a thorough, independent and comprehensive assessment of the social, environmental and cultural impact of globalization on societies,

Recognizing in each culture a dignity and value that deserve recognition, respect and preservation, convinced that, in their rich variety and diversity and in the reciprocal influences that they exert on one another, all cultures form part of the common heritage belonging to all humankind, and aware of the risk that globalization poses more of a threat to cultural diversity if the developing world remains poor and marginalized,

Recognizing also that multilateral mechanisms have a unique role to play in meeting the challenges and opportunities presented by globalization,

Realizing the need to consider the challenges and opportunities linked to globalization with a view to addressing such challenges and building on possible opportunities in order to achieve the full enjoyment of all human rights,

Emphasizing the global character of the migratory phenomenon, the importance of international, regional and bilateral cooperation and the need to protect the human rights of migrants, particularly at a time when migration flows have increased in the globalized economy,

Expressing grave concern at the negative impact of international financial turmoil on social and economic development and on the full enjoyment of all human rights, particularly in the light of the continuing global financial and economic crisis, which may have an adverse impact on the ability of Member States to implement the 2030 Agenda for Sustainable Development, and recognizing that developing countries are in a more vulnerable situation when facing such impact and that regional economic cooperation and development strategies and programmes can play a role in mitigating such impact,

Expressing deep concern at the negative impact of the continuing global food and energy crises and climate change challenges on social and economic development and on the full enjoyment of all human rights for all,

Recognizing that globalization should be guided by the fundamental principles that underpin the corpus of human rights, such as equity, participation, accountability, non-discrimination, transparency, inclusivity and equality at both the national and the international levels, respect for diversity, tolerance and international cooperation and solidarity,

Emphasizing that the existence of widespread extreme poverty inhibits the full realization and effective enjoyment of human rights and that its immediate alleviation and eventual elimination must remain a high priority for the international community,

Acknowledging that there is greater acceptance that the increasing debt burden faced by the most indebted developing countries is unsustainable and constitutes one of the principal obstacles to achieving sustainable development and poverty eradication and that, for many developing countries, excessive debt servicing has severely constrained their capacity to promote social development and to provide basic services to realize economic, social and cultural rights,

Strongly reiterating the determination to ensure the timely and full realization of the sustainable development goals and objectives agreed at the major United Nations conferences and summits, including those agreed at the United Nations summit for the adoption of the post-2015 development agenda, which aim to galvanize efforts towards poverty eradication,

Gravely concerned at the inadequacy of measures to narrow the widening gap between the developed and the developing countries, and within countries, which has contributed to, inter alia, deepening poverty and has adversely affected the full enjoyment of all human rights, in particular in developing countries,

Emphasizing that transnational corporations and other business enterprises have a responsibility to respect all human rights,

Emphasizing also that human beings strive for a world that is respectful of human rights and cultural diversity and that in this regard they work to ensure that all activities, including those affected by globalization, are consistent with those aims,

1. *Welcomes* the adoption by the Heads of State and Government and High Representatives, meeting at United Nations Headquarters in New York from 25 to 27 September 2015, of the 2030 Agenda for Sustainable Development;[15]

2. *Recognizes* that, while globalization, through its impact on, inter alia, the role of the State, may affect human rights, the promotion and protection of all human rights is first and foremost the responsibility of the State;

3. *Emphasizes* that development should be at the centre of the international economic agenda and that coherence between national development strategies and international obligations and commitments is imperative for an enabling environment for development and an inclusive and equitable globalization;

4. *Reaffirms* that narrowing the gap between rich and poor, both within and between countries, is an explicit goal at the national and international levels, as part of the effort to create an enabling environment for the full enjoyment of all human rights;

5. *Also reaffirms* the commitment to create an environment at both the national and the global levels that is conducive to development and to the eradication of poverty by, inter alia, promoting good governance within each country and at the international level, eliminating protectionism, enhancing transparency in the financial, monetary and trading systems and committing to an open, equitable, rules-based, predictable and non-discriminatory multilateral trading and financial system;

6. *Recognizes* the impact that the global financial and economic crisis is still having on the ability of countries, particularly developing countries, to mobilize resources for development and to address the impact of this crisis, and in this context calls upon all States and the international community to alleviate, in an inclusive and development-oriented manner, any negative impacts of this crisis on the realization and the effective enjoyment of all human rights;

7. *Also recognizes* that, while globalization offers great opportunities, the fact that its benefits are very unevenly shared and its costs unevenly distributed represents an aspect of the process that affects the full enjoyment of all human rights, in particular in developing countries;

8. *Welcomes* the report of the United Nations High Commissioner for Human Rights on globalization and its impact on the full enjoyment of human rights,[16] which focuses on the liberalization of agricultural trade and its impact on the realization of the right to development, including the right to food, and takes note of the conclusions and recommendations contained therein;

9. *Reaffirms* the international commitment to eliminating hunger and to securing food for all, today and tomorrow, and reiterates that the relevant United

[15] Resolution 70/1.

[16] E/CN.4/2002/54.

Nations organizations should be assured the resources needed to expand and enhance their food assistance and support social safety net programmes designed to address hunger and malnutrition, when appropriate, through the use of local or regional purchase;

10. *Calls upon* Member States, relevant agencies of the United Nations system, intergovernmental organizations and civil society to promote inclusive, equitable and environmentally sustainable economic growth for managing globalization so that poverty is systematically reduced and the international development targets are achieved;

11. *Recognizes* that the responsible operations of transnational corporations and other business enterprises can contribute to the promotion, protection and fulfilment of all human rights and fundamental freedoms, in particular economic, social and cultural rights;

12. *Also recognizes* that only through broad and sustained efforts, including policies and measures at the global level to create a shared future based upon our common humanity in all its diversity, can globalization be made fully inclusive and equitable and have a human face, thus contributing to the full enjoyment of all human rights;

13. *Underlines* the urgent need to establish an equitable, transparent and democratic international system to strengthen and broaden the participation of developing countries in international economic decision-making and norm-setting;

14. *Affirms* that globalization is a complex process of structural transformation, with numerous interdisciplinary aspects, which has an impact on the enjoyment of civil, political, economic, social and cultural rights, including the right to development;

15. *Also affirms* that the international community should strive to respond to the challenges and opportunities posed by globalization in a manner that promotes and protects human rights while ensuring respect for the cultural diversity of all;

16. *Underlines*, therefore, the need to continue to analyse the consequences of globalization for the full enjoyment of all human rights;

17. *Takes note* of the report of the Secretary-General,[17] and requests him to continue to seek further the views of Member States and relevant agencies of the United Nations system and to submit to the General Assembly at its seventy-third session a substantive report on the subject based on those views, including recommendations on ways to address the impact of globalization on the full enjoyment of all human rights.

73rd plenary meeting
19 December 2017

[17] A/72/132.

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Agenda item 72 (b)

Resolution adopted by the General Assembly on 19 December 2017

[*on the report of the Third Committee (A/72/439/Add.2)*]

72/186. The role of the Ombudsman, mediator and other national human rights institutions in the promotion and protection of human rights

The General Assembly,

Reaffirming its commitment to the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights,[1]

Recalling the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[2] in which the Conference reaffirmed the important and constructive role played by national institutions for the promotion and protection of human rights,

Reaffirming its resolutions 65/207 of 21 December 2010, 67/163 of 20 December 2012, 69/168 of 18 December 2014 and 71/200 of 19 December 2016 on the role of the Ombudsman, mediator and other national human rights institutions in the promotion and protection of human rights,

Recalling the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), welcomed by the General Assembly in its resolution 48/134 of 20 December 1993 and annexed thereto,

Reaffirming its previous resolutions on national institutions for the promotion and protection of human rights, in particular resolutions 66/169 of 19 December 2011, 68/171 of 18 December 2013 and 70/163 of 17 December 2015, as well as Human

[1] Resolution 217 A (III).
[2] A/CONF.157/24 (Part I), chap. III.

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Rights Council resolutions 23/17 of 13 June 2013,[3] 27/18 of 25 September 2014[4] and 33/15 of 29 September 2016,[5]

Reaffirming also the functional and structural differences between national human rights institutions, on the one hand, and the Ombudsman and mediator institutions, on the other, and underlining in this regard that reports on the implementation of General Assembly resolutions on the role of the Ombudsman, mediator and other national human rights institutions should be stand-alone reports,

Welcoming the rapidly growing interest throughout the world in the creation and strengthening of the Ombudsman, mediator and other national human rights institutions, and recognizing the important role that these institutions can play, in accordance with their mandate, in support of national complaint resolution,

Recognizing the role of the existing Ombudsman, whether a male or female, mediator and other national human rights institutions in the promotion and protection of human rights and fundamental freedoms,

Underlining the importance of the autonomy and independence of the Ombudsman, mediator and other national human rights institutions, where they exist, in order to enable them to consider all issues related to their fields of competence,

Considering the role of the Ombudsman, mediator and other national human rights institutions in promoting good governance in public administrations, as well as improving their relations with citizens, and in strengthening the delivery of public services,

Considering also the important role of the existing Ombudsman, mediator and other national human rights institutions in contributing to the effective realization of the rule of law and respect for the principles of justice and equality,

Stressing that these institutions, where they exist, can play an important role in advising Governments with respect to bringing national legislation and national practices into line with their international human rights obligations,

Stressing also the importance of international cooperation in the field of human rights, and recalling the role played by regional and international associations of the Ombudsman, mediator and other national human rights institutions in promoting cooperation and sharing best practices,

Noting with satisfaction the active work of the Association of Mediterranean Ombudsmen and the active continuing work of the Ibero-American Federation of Ombudsmen, the Association of Ombudsmen and Mediators of la Francophonie, the Asian Ombudsman Association, the African Ombudsman and Mediators Association, the Arab Ombudsman Network, the European Mediation Network Initiative, the International Ombudsman Institute and other active ombudsman and mediator associations and networks,

1. *Takes note* of the report of the Secretary-General;[6]

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[3] See *Official Records of the General Assembly, Sixty-eighth Session, Supplement No. 53* (A/68/53), chap. V, sect. A.

[4] Ibid., *Sixty-ninth Session, Supplement No. 53A* and corrigenda (A/69/53/Add.1, A/69/53/Add.1/Corr.1 and A/69/53/Add.1/Corr.2), chap. IV, sect. A.

[5] Ibid., *Seventy-first Session, Supplement No. 53* and corrigendum (A/71/53/Add.1 and A/71/53/Add.1/Corr.1), chap. II.

[6] A/72/230.

2. *Encourages* Member States:

(a) To consider the creation or the strengthening of independent and autonomous Ombudsman, mediator and other national human rights institutions at the national and, where applicable, the local level;

(b) To endow Ombudsman, mediator and other national human rights institutions, where they exist, with an adequate constitutional and legislative framework, as well as financial and all other appropriate means, in order to ensure the efficient and independent exercise of their mandate and to strengthen the legitimacy and credibility of their actions as mechanisms for the promotion and protection of human rights;

(c) To give due consideration to the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles)[1] when assigning the Ombudsman, mediator and other national human rights institutions the role of national preventive mechanisms and national monitoring mechanisms;

(d) To develop and conduct, as appropriate, outreach activities at the national level, in collaboration with all relevant stakeholders, in order to raise awareness of the important role of the Ombudsman, mediator and other national human rights institutions;

(e) To share and exchange best practices on the work and functioning of their Ombudsman, mediator and other national human rights institutions, in collaboration with the Office of the United Nations High Commissioner for Human Rights and with the Global Alliance of National Human Rights Institutions and other international and regional ombudsman organizations;

3. *Recognizes* that, in accordance with the Vienna Declaration and Programme of Action,[2] it is the right of each State to choose the framework for national institutions, including the Ombudsman, mediator and other national human rights institutions, which is best suited to its particular needs at the national level, in order to promote human rights in accordance with international human rights instruments;

4. *Welcomes* the active participation of the Office of the High Commissioner in all international and regional meetings of the Ombudsman, mediator and other national human rights institutions;

5. *Encourages* the Office of the High Commissioner, through its advisory services, to develop and support activities dedicated to the existing Ombudsman, mediator and other national human rights institutions and to strengthen their role within national systems for human rights protection;

6. *Encourages* the Ombudsman, mediator and other national human rights institutions, where they exist:

(a) To operate, as appropriate, in accordance with the Paris Principles and other relevant international instruments, in order to strengthen their independence and autonomy and to enhance their capacity to assist Member States in the promotion and protection of human rights;

(b) To request, in cooperation with the Office of the High Commissioner, their accreditation by the Global Alliance of National Human Rights Institutions in order to enable them to interact effectively with the relevant human rights bodies of the United Nations system;

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[1] Resolution 48/134, annex.

(c) To cooperate with relevant State bodies and develop cooperation with civil society organizations;

(d) To conduct awareness-raising activities on their roles and functions, in collaboration with all relevant stakeholders;

(e) To engage with the International Ombudsman Institute, the Global Alliance of National Human Rights Institutions and other regional networks and associations, with a view to exchanging experiences, lessons learned and best practices;

7. *Requests* the Secretary-General to report to the General Assembly at its seventy-fifth session on the implementation of the present resolution, in particular on the obstacles encountered by States in this regard, as well as on best practices in the work and functioning of the Ombudsman, mediator and other national human rights institutions.

73rd plenary meeting
19 December 2017

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Resolution adopted by the General Assembly on 19 December 2017

[*on the report of the Third Committee (A/72/439/Add.2)*]

72/187. Subregional Centre for Human Rights and Democracy in Central Africa

The General Assembly,

Recalling its resolution 55/105 of 4 December 2000 concerning regional arrangements for the promotion and protection of human rights,

Recalling also its resolutions 55/34 B of 20 November 2000 and 55/233 of 23 December 2000, section III of its resolution 55/234 of 23 December 2000 and its resolution 56/253 of 24 December 2001,

Recalling further its resolutions 58/176 of 22 December 2003, 59/183 of 20 December 2004, 60/151 of 16 December 2005, 61/158 of 19 December 2006, 62/221 of 22 December 2007, 63/177 of 18 December 2008, 64/165 of 18 December 2009, 66/162 of 19 December 2011, 68/174 of 18 December 2013 and 70/167 of 17 December 2015 on the Subregional Centre for Human Rights and Democracy in Central Africa,

Recalling that the World Conference on Human Rights recommended that more resources be made available for the strengthening of regional arrangements for the promotion and protection of human rights under the programme of technical cooperation in the field of human rights of the Office of the United Nations High Commissioner for Human Rights,[1]

Recalling also the report of the United Nations High Commissioner for Human Rights,[2]

Taking note of the report of the Secretary-General,[3]

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[1] See A/CONF.157/24 (Part I), chap. III.

[2] *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 36*, addendum (A/56/36/Add.1).

[3] A/72/518.

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Noting the holding of the forty-first, forty-second, forty-third and forty-fourth ministerial meetings of the United Nations Standing Advisory Committee on Security Questions in Central Africa, in Libreville from 23 to 27 November 2015, in Bangui from 6 to 10 June 2016, in Sao Tome from 28 November to 1 December 2016 and in Yaoundé from 29 May to 2 June 2017,

Taking note of the decision of the High Commissioner to launch a far-reaching organizational change initiative in the Office of the United Nations High Commissioner for Human Rights with a view to better integrating work at Headquarters and in the field,[4]

Noting the context of deteriorating security and humanitarian conditions in the subregion, and in particular the challenges created by increasing and indiscriminate attacks and massive abuses of human rights by Boko Haram against the civilian population in many countries of the Central African subregion and in the Lake Chad Basin countries,[3]

Noting also that the effective presence of the Office of the United Nations High Commissioner for Human Rights in the countries covered and continued dialogue with the authorities have generated an increased number of requests for assistance from States,[3]

Mindful of the vastness and diversity of the needs in the field of human rights within the subregion, and taking into account the need for sufficient funding of the Centre to fully realize its significant function and crucial role in the subregion,[3]

1. *Welcomes* the activities of the Subregional Centre for Human Rights and Democracy in Central Africa at Yaoundé;

2. *Notes with satisfaction* the support provided for the establishment of the Centre by the host country;

3. *Also notes with satisfaction* the increasing activities of the Centre and the improved cooperation between the Centre and the States members of the Economic Community of Central African States;

4. *Encourages* the Centre to take into account the requested activities, needs and demands of the countries of the subregion in the implementation of the strategic thematic priorities of the Office of the United Nations High Commissioner for Human Rights;

5. *Notes with satisfaction* the engagement of the Centre in the area of human rights in development and in the economic sphere, through advocacy and the provision of guidance to States, private sector companies and businesses in the subregion, with a view to strengthening commitments to protect and/or respect human rights, and encourages the Centre to increase its support in this field;

6. *Encourages* the Centre to strengthen its cooperation and invest in relations with subregional organizations and bodies, including the African Union, the Economic Community of Central African States, the United Nations Regional Office for Central Africa and the United Nations country teams of the subregion;

7. *Encourages* the Regional Representative and Director of the Centre to continue to hold regular briefings for the ambassadors of Central African States based in Geneva and Yaoundé, as well as in countries of the subregion during visits of the Regional Representative, with the aim of exchanging information on the activities of the Centre and charting its direction;

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[4] See *Official Records of the General Assembly, Seventieth Session, Supplement No. 36* (A/70/36), chap. III.

8. *Notes* the efforts of the Secretary-General and the United Nations High Commissioner for Human Rights to ensure the full implementation of the relevant resolutions of the General Assembly[3] in order to provide sufficient funds and human resources for the missions of the Centre;

9. *Requests* the Secretary-General and the High Commissioner, taking note of the organizational change initiative in the Office of the High Commissioner, to continue to provide additional funds and human resources within the existing resources of the Office to enable the Centre to respond positively and effectively to the growing needs in the promotion and protection of human rights and in developing a culture of democracy and the rule of law in the Central African subregion;

10. *Requests* the Secretary-General to submit to the General Assembly at its seventy-fourth session a report on the implementation of the present resolution.

73rd plenary meeting
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[3] Resolutions 61/158, 62/221, 63/177 and 64/165.

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Resolution adopted by the General Assembly on 19 December 2017

[*on the report of the Third Committee* (A/72/439/Add.3)]

72/188. Situation of human rights in the Democratic People's Republic of Korea

The General Assembly,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations that they have undertaken under the various international instruments,

Recalling all previous resolutions adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council on the situation of human rights in the Democratic People's Republic of Korea, including Assembly resolution 71/202 of 19 December 2016 and Council resolution 34/24 of 24 March 2017,[1] and mindful of the need for the international community to strengthen its coordinated efforts aimed at achieving the implementation of those resolutions,

Deeply concerned at the grave human rights situation, the pervasive culture of impunity and the lack of accountability for human rights violations in the Democratic People's Republic of Korea,

Stressing the importance of following up on the recommendations contained in the report of the commission of inquiry on human rights in the Democratic People's Republic of Korea,[2] and expressing grave concern at the detailed findings contained therein,

Welcoming the decision of the Security Council to add the situation in the Democratic People's Republic of Korea to the list of issues of which the Council is seized and the holding of an open meeting of the Council on 9 December 2016, subsequent to the ones held in 2014 and 2015, during which the situation of human rights in the Democratic People's Republic of Korea was discussed,

[1] See *Official Records of the General Assembly, Seventy-second Session, Supplement No. 53* (A/72/53), chap. IV, sect. A.
[2] A/HRC/25/63.

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Recalling the responsibility of the Democratic People's Republic of Korea to protect its population from crimes against humanity, and recalling also that the commission of inquiry urged the leadership of the Democratic People's Republic of Korea to prevent and suppress crimes against humanity and to ensure that perpetrators are prosecuted and brought to justice,

Taking note of the report of the Special Rapporteur of the Human Rights Council on the situation of human rights in the Democratic People's Republic of Korea,[1] regretting that he still has not been allowed to visit the country and that he has received no cooperation from the authorities of the Democratic People's Republic of Korea, and taking note also of the comprehensive report of the Secretary-General on the situation of human rights in the Democratic People's Republic of Korea submitted in accordance with resolution 71/202,[2]

Mindful that the Democratic People's Republic of Korea is a party to the International Covenant on Civil and Political Rights,[3] the International Covenant on Economic, Social and Cultural Rights,[3] the Convention on the Rights of the Child,[4] the Convention on the Elimination of All Forms of Discrimination against Women[5] and the Convention on the Rights of Persons with Disabilities,[6] and recalling the concluding observations of the treaty bodies under the treaties and the importance of giving them consideration,

Recalling the submission, in April 2016, by the Democratic People's Republic of Korea of its combined second, third and fourth periodic reports on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women and of its combined fifth and sixth periodic reports on the implementation of the Convention on the Rights of the Child, and urging full implementation of these Conventions,

Noting the ratification of the Convention on the Rights of Persons with Disabilities by the Democratic People's Republic of Korea, encouraging the Government of the Democratic People's Republic of Korea to expedite the passage and enforcement of implementing legislation, and urging it to fully respect the rights of persons with disabilities,

Noting also the visit of the Special Rapporteur of the Human Rights Council on the rights of persons with disabilities to the Democratic People's Republic of Korea, and looking forward to the cooperation of the Government with the Special Rapporteur in the implementation of its commitments under the Convention on the Rights of Persons with Disabilities, while stressing the importance of extending its cooperation to other United Nations special procedures and human rights mechanisms, including the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, in accordance with their terms of reference,

Acknowledging the participation of the Democratic People's Republic of Korea in the second universal periodic review process, noting the acceptance by the Government of the Democratic People's Republic of Korea of 113 out of the 268 recommendations contained in the outcome of the review[9] and its stated commitment to implement them and look into the possibility of implementing a

[1] A/72/394.
[2] A/72/279.
[3] See resolution 2200 A (XXI), annex.
[4] United Nations, *Treaty Series*, vol. 1577, No. 27531.
[5] Ibid., vol. 1249, No. 20378.
[6] Ibid., vol. 2515, No. 44910.
[9] A/HRC/27/10.

further 58 recommendations, while expressing its concern that the recommendations have not been implemented thus far,

Noting the collaboration established between the Government of the Democratic People's Republic of Korea and the United Nations Children's Fund and the World Health Organization in order to improve the health situation in the country,

Noting also the collaboration established between the Government of the Democratic People's Republic of Korea and the United Nations Children's Fund to improve the nutritional status of children and the quality of children's education,

Noting further the activities undertaken by the United Nations Development Programme, on a modest scale, in the Democratic People's Republic of Korea, and encouraging the engagement of the Government of the Democratic People's Republic of Korea with the international community to ensure that the programmes benefit the persons in need of assistance,

Noting the cooperation between the Government of the Democratic People's Republic of Korea and the World Food Programme, the United Nations Children's Fund and the Food and Agriculture Organization of the United Nations on food security assessments, underscoring the importance of those assessments in analysing changes in the national, household and individual food security and nutritional situation and thereby in supporting donor confidence in the targeting of aid programmes, noting also the letter of understanding signed by the Government and the World Food Programme and the importance of further improvements in operating conditions, bringing access and monitoring arrangements closer to international standards for all United Nations entities, and noting with appreciation the work of international aid operators,

Taking note of the United Nations humanitarian report entitled "Democratic People's Republic of Korea 2017: needs and priorities" and its call to address the critical humanitarian needs in the Democratic People's Republic of Korea,

Taking note also of the strategic framework for cooperation between the United Nations and the Government of the Democratic People's Republic of Korea for the period 2017–2021 and the Government's commitment in accordance with the principles, goals and targets of the Sustainable Development Goals[10] and in line with its commitments to international agreements and conventions,

Noting with concern the findings of the United Nations that well over half of the people in the Democratic People's Republic of Korea suffer from major insecurities in food and medical care, including a very large number of pregnant and lactating women and children under 5 who are at risk of malnutrition, and nearly a quarter of its total population is suffering from chronic malnutrition, condemning the Democratic People's Republic of Korea for diverting its resources into pursuing nuclear weapons and ballistic missiles over the welfare of its people, and emphasizing the necessity for the Democratic People's Republic of Korea to respect and ensure the welfare and inherent dignity of the people in the country, as referred to by the Security Council in its resolutions 2321 (2016) of 30 November 2016, 2371 (2017) of 5 August 2017 and 2375 (2017) of 11 September 2017,

Noting the importance of the issue of international abductions and of the immediate return of all abductees, expressing grave concern at the lack of positive action by the Democratic People's Republic of Korea since the investigations on all the Japanese nationals commenced on the basis of the government-level consultations held between the Democratic People's Republic of Korea and Japan in May 2014,

[10] See resolution 70/1.

and expecting the resolution of all issues related to the Japanese nationals, in particular the return of all abductees, to be achieved at the earliest possible date,

Welcoming and further encouraging the efforts of Member States to raise international awareness about the human rights situation in the Democratic People's Republic of Korea,

Noting the importance of dialogue for the improvement of the human rights and humanitarian situation in the country,

Underlining the efforts of the Secretary-General to contribute to improving inter-Korean relations and promoting reconciliation and stability on the Korean Peninsula and the well-being of the Korean people,

Noting with concern the suspension of the reunions of separated families across the border since October 2015, and, given that this is an urgent humanitarian concern of the entire Korean people, owing, in particular, to the advanced age of many members of the separated families, hoping that necessary arrangements for resuming reunions, confirming the fate of family members, exchanging letters, visiting their hometowns and holding further reunions on a larger scale and a regular basis will be made by the Democratic People's Republic of Korea, the Republic of Korea and members of the Korean diaspora,

1. *Condemns* the long-standing and ongoing systematic, widespread and gross violations of human rights in the Democratic People's Republic of Korea, including those which the commission of inquiry on human rights in the Democratic People's Republic of Korea, established by the Human Rights Council in its resolution 22/13 of 21 March 2013,[1] has said may amount to crimes against humanity, and the continuing impunity for such violations;

2. *Expresses its very serious concern* at:

(a) The persistence of continuing reports of violations of human rights, including the detailed findings made by the commission of inquiry in its report,[2] such as:

(i) Torture and other cruel, inhuman or degrading treatment or punishment, including inhuman conditions of detention; rape; public executions; extrajudicial and arbitrary detention; the absence of due process and the rule of law, including fair trial guarantees and an independent judiciary; extrajudicial, summary and arbitrary executions; the imposition of the death penalty for political and religious reasons; collective punishments extending up to three generations; and the extensive use of forced labour;

(ii) The existence of an extensive system of political prison camps, where a vast number of persons are deprived of their liberty and subjected to deplorable conditions, including forced labour, and where alarming violations of human rights are perpetrated;

(iii) The forcible transfer of populations and the limitations imposed on every person who wishes to move freely within the country and travel abroad, including the punishment of those who leave or try to leave the country without permission, or their families, as well as punishment of persons who are returned;

(iv) The situation of refugees and asylum seekers expelled or returned to the Democratic People's Republic of Korea and retaliations against citizens of the Democratic People's Republic of Korea who have been repatriated from abroad,

[1] See *Official Records of the General Assembly, Sixty-eighth Session, Supplement No. 53* (A/68/53), chap. IV, sect. A.

leading to punishments of internment, torture, other cruel, inhuman or degrading treatment, sexual violence or the death penalty, and in this regard strongly urges all States to respect the fundamental principle of non-refoulement, to treat those who seek refuge humanely and to ensure unhindered access to the United Nations High Commissioner for Refugees and his Office, with a view to protecting the human rights of those who seek refuge, and once again urges States parties to comply with their obligations under the 1951 Convention relating to the Status of Refugees[12] and the 1967 Protocol thereto[13] in relation to refugees from the Democratic People's Republic of Korea who are covered by those instruments;

(v) All-pervasive and severe restrictions, both online and offline, on the freedoms of thought, conscience, religion or belief, opinion and expression, peaceful assembly and association, the right to privacy and equal access to information, by such means as the unlawful and arbitrary surveillance, persecution, torture, imprisonment and, in some instances, summary executions of individuals exercising their freedom of opinion and expression, religion or belief, and their families, and the right of everyone to take part in the conduct of public affairs, directly or through freely chosen representatives, of his or her country;

(vi) Violations of economic, social and cultural rights, which have led to food insecurity, severe hunger, malnutrition, widespread health problems and other hardship for the population in the Democratic People's Republic of Korea, in particular for women, children, persons with disabilities, older persons and political prisoners;

(vii) Violations of the human rights and fundamental freedoms of women and girls, in particular the creation of internal conditions that force women and girls to leave the country and make them extremely vulnerable to trafficking in persons for the purpose of prostitution, domestic servitude or forced marriage and the subjection of women and girls to gender-based discrimination, including in the political and social spheres, forced abortions and other forms of sexual and gender-based violence;

(viii) Violations of the human rights and fundamental freedoms of children, in particular the continued lack of access to basic economic, social and cultural rights for many children, and in this regard notes the particularly vulnerable situation faced by, inter alia, returned or repatriated children, street children, children with disabilities, children whose parents are detained, children living in detention or in institutions and children in conflict with the law;

(ix) Violations of the human rights and fundamental freedoms of persons with disabilities, especially violations involving the use of collective camps and coercive measures that target the rights of persons with disabilities to decide freely and responsibly on the number and spacing of their children and allegations of the possible use of persons with disabilities in medical testing, forced relocation to rural areas and separation of children with disabilities from their parents;

(x) Violations of workers' rights, including the right to freedom of association and effective recognition of the right to collective bargaining, the right to strike as defined by the obligations of the Democratic People's Republic of Korea under the International Covenant on Economic, Social and Cultural Rights,[3] and the prohibition of the economic exploitation of children and of any harmful or

[12] United Nations, *Treaty Series*, vol. 189, No. 2545.

[13] Ibid., vol. 606, No. 8791.

hazardous work of children as defined by the obligations of the Democratic People's Republic of Korea under the Convention on the Rights of the Child,[3] as well as the exploitation of workers sent abroad from the Democratic People's Republic of Korea to work under conditions that reportedly amount to forced labour, and recalls paragraph 11 of Security Council resolution 2371 (2017) and paragraph 17 of resolution 2375 (2017), in which the Council decided that Member States shall not provide work authorizations for nationals of the Democratic People's Republic of Korea in their jurisdictions in connection with admission to their territories unless otherwise determined by the relevant sanctions committee on a case-by-case basis;

(xi) Discrimination based on the *songbun* system, which classifies people on the basis of State-assigned social class and birth and also includes consideration of political opinions and religion;

(b) The continued refusal of the Government of the Democratic People's Republic of Korea to extend an invitation to the Special Rapporteur of the Human Rights Council on the situation of human rights in the Democratic People's Republic of Korea or to extend cooperation to the Special Rapporteur and several other United Nations special procedures in accordance with their terms of reference, as well as to other United Nations human rights mechanisms;

(c) The continued lack of acknowledgement by the Government of the Democratic People's Republic of Korea of the grave human rights situation in the country and its consequential lack of action to report on the state of implementation of the recommendations contained in the outcome of its first universal periodic review[4] and to give consideration to the concluding observations of the treaty bodies;

3. *Condemns* the systematic abduction, denial of repatriation and subsequent enforced disappearance of persons, including those from other countries, on a large scale and as a matter of State policy, and in this regard strongly calls upon the Government of the Democratic People's Republic of Korea urgently to resolve these issues of international concern, in a transparent manner, including by ensuring the immediate return of abductees;

4. *Underscores its very serious concern* regarding reports of torture, summary executions, arbitrary detention, abductions and other forms of human rights violations and abuses that the Democratic People's Republic of Korea commits against citizens of other countries within and outside of its territory;

5. *Expresses its very deep concern* at the precarious humanitarian situation in the country, which could rapidly deteriorate owing to limited resilience to natural disasters and to government policies causing limitations in the availability of and access to adequate food, compounded by structural weaknesses in agricultural production resulting in significant shortages of diversified food and the State restrictions on the cultivation of and trade in foodstuffs, as well as the prevalence of chronic and acute malnutrition, particularly among the most vulnerable groups, pregnant and lactating women, children, persons with disabilities, older persons and political prisoners, and urges the Government of the Democratic People's Republic of Korea, in this regard, to take preventive and remedial action, cooperating with international donor agencies and in accordance with international standards for monitoring humanitarian assistance;

6. *Welcomes* the latest reports to the Human Rights Council of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of

[4] A/HRC/13/13

Korea[15] and the group of independent experts on accountability for human rights violations in the Democratic People's Republic of Korea[16] established pursuant to Council resolution 31/18 of 23 March 2016,[17] including options to seek accountability and secure truth and justice for all victims, and commends the activities undertaken by the Special Rapporteur and the group of independent experts;

7. *Also welcomes* the adoption of Human Rights Council resolution 34/24, in which the Council provided for the strengthening of the capacity of the Office of the United Nations High Commissioner for Human Rights, including its field-based structure in Seoul, to allow the implementation of relevant recommendations made by the group of independent experts on accountability, in its report submitted to the Human Rights Council at its thirty-fourth session, aimed at strengthening current monitoring and documentation efforts, establishing a central repository for information and evidence and having experts in legal accountability assess all information and testimonies with a view to developing possible strategies to be used in any future accountability process;

8. *Reiterates its appreciation* for the work of the commission of inquiry, recognizes the continuing importance of its report, and regrets that the commission received no cooperation from the authorities of the Democratic People's Republic of Korea, including with regard to access to the country;

9. *Acknowledges* the commission's finding that the body of testimony gathered and the information received provide reasonable grounds to believe that crimes against humanity have been committed in the Democratic People's Republic of Korea, pursuant to policies established at the highest level of the State for decades and by institutions under the effective control of its leadership;

10. *Expresses its concern* at the failure of the authorities of the Democratic People's Republic of Korea to prosecute those responsible for human rights violations, including violations which the commission of inquiry has said may amount to crimes against humanity, and encourages the international community to cooperate with accountability efforts and to ensure that such crimes do not remain unpunished;

11. *Encourages* the Security Council to continue its consideration of the relevant conclusions and recommendations of the commission of inquiry and take appropriate action to ensure accountability, including through consideration of referral of the situation in the Democratic People's Republic of Korea to the International Criminal Court and consideration of the further development of sanctions in order to target effectively those who appear to be most responsible for human rights violations that the commission has said may constitute crimes against humanity;

12. *Also encourages* the Security Council to continue to discuss the situation in the Democratic People's Republic of Korea, including the country's human rights record, in the light of the serious concerns expressed in the present resolution, and looks forward to its continued and more active engagement on this matter;

13. *Encourages* the continuing endeavours of the Office of the United Nations High Commissioner for Human Rights field-based structure in Seoul, and welcomes its regular reporting to the Human Rights Council;

14. *Calls upon* Member States to undertake to ensure that the field-based structure of the Office of the High Commissioner can function with independence,

[15] A/HRC/34/66.

[16] A/HRC/34/66/Add.1.

[17] See *Official Records of the General Assembly, Seventy-first Session, Supplement No. 53* (A/71/53), chap. IV, sect. A.

has sufficient resources and support to fulfil its mandate, enjoys full cooperation with relevant Member States and is not subjected to any reprisals or threats;

15. *Strongly urges* the Government of the Democratic People's Republic of Korea to respect fully all human rights and fundamental freedoms and, in this regard:

(a) To immediately put an end to the systematic, widespread and grave violations of human rights emphasized above, inter alia, by implementing fully the measures set out in the above-mentioned resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council, and the recommendations addressed to the Democratic People's Republic of Korea by the Council in the context of the universal periodic review and by the commission of inquiry, the United Nations special procedures and treaty bodies;

(b) To immediately close the political prison camps and to release all political prisoners unconditionally and without any delay;

(c) To protect its inhabitants, address the issue of impunity and ensure that those responsible for crimes involving violations of human rights are brought to justice before an independent judiciary;

(d) To tackle the root causes leading to refugee outflows and prosecute those who exploit refugees through migrant smuggling, trafficking in human beings and extortion, while not criminalizing refugees and the victims of trafficking;

(e) To ensure that everyone within the territory of the Democratic People's Republic of Korea enjoys the right to liberty of movement and is free to leave the country, including for the purpose of seeking asylum outside the Democratic People's Republic of Korea, without interference by the authorities of the Democratic People's Republic of Korea;

(f) To ensure that citizens of the Democratic People's Republic of Korea who are expelled or returned to the Democratic People's Republic of Korea are able to return in safety and dignity, are treated humanely and are not subjected to any kind of punishment, and to provide information on their status and treatment;

(g) To provide citizens of other countries detained in the Democratic People's Republic of Korea with protections, including freedom of communication with, and access to, consular officers in accordance with the Vienna Convention on Consular Relations,[18] to which the Democratic People's Republic of Korea is a party, and any other necessary arrangements to confirm their status and to communicate with their families;

(h) To extend its full cooperation to the Special Rapporteur, including by granting him full, free and unimpeded access to the Democratic People's Republic of Korea, and to other special procedures of the Human Rights Council as well as to other United Nations human rights mechanisms so that a full needs assessment of the human rights situation may be made;

(i) To engage in technical cooperation activities in the field of human rights with the United Nations High Commissioner for Human Rights and his Office, as pursued by the High Commissioner in recent years, with a view to improving the situation of human rights in the country;

(j) To implement the accepted recommendations stemming from the universal periodic review and to consider positively those recommendations which are still under consideration, as well as the submission of a midterm implementation report;

[18] United Nations, *Treaty Series*, vol. 596, No. 8638.

(k) To become a member of the International Labour Organization, to enact legislation and adopt practices to comply with international labour standards and to consider ratifying all the relevant conventions, in particular the core labour conventions of the International Labour Organization;

(l) To continue and reinforce its cooperation with United Nations humanitarian agencies;

(m) To ensure full, safe and unhindered access to humanitarian aid, as well as to critical data, and take measures to allow humanitarian agencies to secure the impartial delivery of such aid to all parts of the country, including detention facilities, on the basis of need in accordance with humanitarian principles, as it pledged to do, to ensure access to adequate food and implement more effective food security and nutrition policies, including through sustainable agriculture, sound food production and distribution measures and the allocation of more funds to the food sector, and to ensure adequate monitoring of humanitarian assistance;

(n) To further improve cooperation with the United Nations country team members and development agencies so that they can directly contribute to improving the living conditions of the civilian population, including progress towards the achievement of the Sustainable Development Goals;

(o) To consider ratifying and acceding to the remaining international human rights treaties, which would enable a dialogue with the human rights treaty bodies, to resume reporting to monitoring bodies on treaties to which it is a party, to participate meaningfully in treaty body reviews, and to give consideration to the concluding observations of such bodies in order to improve the human rights situation in the country;

16. *Urges* the Government of the Democratic People's Republic of Korea to implement the recommendations of the commission of inquiry without delay;

17. *Encourages* all Member States, the General Assembly, the Human Rights Council, the Office of the High Commissioner, the United Nations Secretariat, relevant specialized agencies, regional intergovernmental organizations and forums, civil society organizations, foundations and engaged business enterprises and other stakeholders towards which the commission of inquiry has directed recommendations to implement or take forward those recommendations;

18. *Encourages* the United Nations system as a whole to continue to address the grave human rights situation in the Democratic People's Republic of Korea in a coordinated and unified manner;

19. *Encourages* the relevant United Nations programmes, funds, specialized agencies and other related organizations to assist the Government of the Democratic People's Republic of Korea in the implementation of recommendations stemming from the universal periodic review and from the report of the commission of inquiry;

20. *Calls upon* the Democratic People's Republic of Korea to engage constructively with international interlocutors with a view to promoting concrete improvements in the human rights situation on the ground, including through human rights dialogues, official visits to the country that include adequate access to fully assess human rights conditions, cooperation initiatives and more people-to-people contact as a matter of priority;

21. *Decides* to continue its examination of the situation of human rights in the Democratic People's Republic of Korea at its seventy-third session, and to this end requests the Secretary-General to submit a comprehensive report on the situation in the Democratic People's Republic of Korea, and requests the Special Rapporteur to continue to report his findings and recommendations, as well as to report on the

follow-up to the implementation of the recommendations of the commission of inquiry.

73rd plenary meeting
19 December 2017

United Nations A/RES/72/189

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[*on the report of the Third Committee (A/72/439/Add.3)*]

72/189. Situation of human rights in the Islamic Republic of Iran

The General Assembly,

Guided by the Charter of the United Nations, as well as the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other international human rights instruments,

Recalling its previous resolutions on the situation of human rights in the Islamic Republic of Iran, the most recent of which is resolution 71/204 of 19 December 2016,

1. *Takes note* of the report of the Secretary-General of 31 October 2017,[3] submitted pursuant to resolution 71/204, and the report of the Special Rapporteur of the Human Rights Council on the situation of human rights in the Islamic Republic of Iran of 14 August 2017,[4] submitted pursuant to Council resolution 34/23 of 24 March 2017;[5]

2. *Continues to welcome* the pledges made by the President of the Islamic Republic of Iran with regard to some important human rights issues, particularly on eliminating discrimination against women and members of ethnic minorities;

3. *Acknowledges* proposed or adopted legislative and administrative changes in the Islamic Republic of Iran, including the new Code of Criminal Procedure, the Criminal Procedure Bill in respect of Juveniles and Children, the amendment to the Anti-Narcotics Law regarding penalties for drug-related offences and the Citizens' Rights Charter, which, if properly implemented, would address some human rights concerns;

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[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] A/72/562.
[4] A/72/322 and A/72/322/Corr.1.
[5] See *Official Records of the General Assembly, Seventy-second Session, Supplement No. 53* (A/72/53), chap. IV, sect. A.

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4. *Welcomes* the engagement of the Islamic Republic of Iran with human rights treaty bodies, including through the submission of periodic reports, and notes in particular the engagement of the Government of the Islamic Republic of Iran with the Committee on the Rights of the Child and the Committee on the Rights of Persons with Disabilities and its participation in the universal periodic review;

5. *Also welcomes* the efforts of the Islamic Republic of Iran to host large numbers of Afghan refugees, granting them access to basic services, in particular access to health care and education for children;

6. *Further welcomes* the ongoing contact with and dialogue between the Islamic Republic of Iran and the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, as well as the invitations extended to other special procedures mandate holders;

7. *Welcomes* the expressed readiness of the Iranian High Council for Human Rights and other Iranian officials to engage in bilateral dialogues on human rights;

8. *Takes note* of the outcome of the presidential and local council elections of May 2017 and of the peaceful electoral process, which saw high voter turnout and which resulted in an increase in the number of women representatives on local councils, while expressing concern about the large number of candidates, including all women presidential candidates, who were disqualified through processes that lacked transparency;

9. *Expresses serious concern* at the alarmingly high frequency of the imposition and carrying-out of the death penalty by the Islamic Republic of Iran, in violation of its international obligations, including the imposition of the death penalty against minors and persons who at the time of their offence were under the age of 18, and executions undertaken for crimes that do not qualify as the most serious crimes, on the basis of forced confessions or against persons who at the time of their offence were under the age of 18, in violation of both the Convention on the Rights of the Child[6] and the International Covenant on Civil and Political Rights,[2] expresses concern at the continuing disregard for internationally recognized safeguards, including executions undertaken without notification to the prisoner's family members or legal counsel, and calls upon the Government of the Islamic Republic of Iran to abolish, in law and in practice, public executions, which are contrary to the 2008 directive seeking to end this practice issued by the former head of the judiciary;

10. *Calls upon* the Islamic Republic of Iran to ensure, in law and in practice, that no one is subjected to torture or other cruel, inhuman or degrading treatment or punishment, which may include sexual violence, and punishments that are grossly disproportionate to the nature of the offence, in conformity with amendments to the Penal Code, the constitutional guarantees of the Islamic Republic of Iran and international obligations;

11. *Urges* the Islamic Republic of Iran to cease the widespread and systematic use of arbitrary detention, including the use of this practice to target dual and foreign nationals, and to uphold, in law and in practice, procedural guarantees to ensure fair trial standards, including timely access to legal representation of one's choice from the time of arrest through all stages of trial and all appeals, the right not to be subjected to torture, cruel and inhuman or degrading treatment or punishment and consideration of bail and other reasonable terms for release from custody pending trial;

12. *Calls upon* the Islamic Republic of Iran to address the poor conditions of prisons, to eliminate the denial of access to adequate medical treatment and the

[6] United Nations, *Treaty Series*, vol. 1577, No. 27531.

consequent risk of death faced by prisoners and to put an end to the continued and sustained house arrest of leading opposition figures from the 2009 presidential elections despite serious concerns about their health, as well as the pressure exerted upon their relatives and dependants, including through arrest, and also calls upon the Islamic Republic of Iran to establish credible and independent prison oversight authorities to investigate complaints of abuse;

13. *Also calls upon* the Islamic Republic of Iran, including the judicial and security branches, to create and maintain, in law and in practice, a safe and enabling environment in which an independent, diverse and pluralistic civil society can operate free from hindrance and insecurity, urges the Islamic Republic of Iran to end widespread and serious restrictions, in law and in practice, on the right to freedom of expression, opinion, association and peaceful assembly, both online and offline, including by ending the harassment, intimidation and persecution of political opponents, human rights defenders, women's and minority rights activists, labour leaders, students' rights activists, academics, film-makers, journalists, bloggers, social media users and social media page administrators, media workers, religious leaders, artists, lawyers and persons belonging to recognized and unrecognized religious minorities and their families, and further calls upon the Islamic Republic of Iran to release persons arbitrarily detained for the legitimate exercise of these rights, to consider rescinding unduly harsh sentences, including the death penalty and long-term internal exile, for exercising such fundamental freedoms and to end reprisals against individuals, including for cooperating with the United Nations human rights mechanisms;

14. *Strongly urges* the Islamic Republic of Iran to eliminate, in law and in practice, all forms of discrimination and other human rights violations against women and girls, including with respect to the right to freedom of movement, the right to enjoyment of the highest attainable standard of physical and mental health and the right to work, to take measures to ensure protection for women and girls against violence and their equal protection and access to justice, to address the concerning incidence of child, early and forced marriage, as recommended by the Committee on the Rights of the Child, to promote, support and enable women's participation in leadership and decision-making processes and, while recognizing the high enrolment of women in all levels of education in the Islamic Republic of Iran, to lift restrictions on women's equal access to all aspects of education and women's equal participation in the labour market and in all aspects of economic, cultural, social and political life;

15. *Calls upon* the Islamic Republic of Iran to eliminate, in law and in practice, all forms of discrimination and other human rights violations against persons belonging to religious, ethnic, linguistic or other minorities, including but not limited to Arabs, Azeris, Balochis, Kurds and Turkmen, and their defenders;

16. *Expresses serious concern* about ongoing severe limitations and restrictions on the right to freedom of thought, conscience, religion or belief, restrictions on the establishment of places of worship, attacks against places of worship and burial and other human rights violations, including but not limited to harassment, intimidation, persecution, arbitrary arrests and detention, denial of access to education and incitement to hatred that leads to violence against persons belonging to recognized and unrecognized religious minorities, including Christians, Jews, Sufi Muslims, Sunni Muslims, Yarsanis, Zoroastrians and members of the Baha'i faith and their defenders in the Islamic Republic of Iran, and calls upon the Government of the Islamic Republic of Iran to release all religious practitioners imprisoned for their membership in or activities on behalf of a recognized or unrecognized minority religious group, including the members of the Baha'i leadership who were declared by the Working Group on Arbitrary Detention of the Human Rights Council to have been arbitrarily detained since 2008, to eliminate, in law and in practice, all forms of

discrimination, including economic restrictions, such as the closure or confiscation of businesses and properties, the cancellation of licences and denial of employment in certain public and private sectors, including government or military positions and elected office, and other human rights violations against persons belonging to recognized and unrecognized religious minorities, and to end impunity for those who commit crimes against persons belonging to religious minorities;

17. *Calls upon* the Islamic Republic of Iran to launch a comprehensive accountability process in response to all cases of serious human rights violations, including those involving the Iranian judiciary and security agencies, and calls upon the Government of the Islamic Republic of Iran to end impunity for such violations;

18. *Also calls upon* the Islamic Republic of Iran to implement its obligations under those human rights treaties to which it is already a party, to withdraw any reservations that are imprecise or could be considered incompatible with the object and purpose of the treaty, to consider acting upon the concluding observations concerning the Islamic Republic of Iran adopted by the bodies of the international human rights treaties to which it is a party and to consider ratifying or acceding to the international human rights treaties to which it is not already a party;

19. *Further calls upon* the Islamic Republic of Iran to deepen its engagement with international human rights mechanisms by:

(*a*) Cooperating fully with the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, including by accepting the repeated requests made by the Special Rapporteur to visit the country in order to carry out the mandate;

(*b*) Increasing cooperation with other special mechanisms, including by facilitating long-standing requests for access to the country from thematic special procedures mandate holders, whose access to its territory has been restricted or denied, despite the standing invitation issued by the Islamic Republic of Iran, without imposing undue conditions upon those visits;

(*c*) Implementing all accepted universal periodic review recommendations from its first cycle, in 2010, and its second cycle, in 2014, with the full and genuine participation of independent civil society and other stakeholders in the implementation process, and by engaging constructively in its upcoming third cycle in 2019;

(*d*) Building upon the engagement of the Islamic Republic of Iran with the universal periodic review process by continuing to explore cooperation on human rights and justice reform with the United Nations, including the Office of the United Nations High Commissioner for Human Rights;

(*e*) Following through on its commitment to establish an independent national human rights institution, made in the context of both its first and its second universal periodic reviews by the Human Rights Council, with due regard for the recommendation of the Committee on Economic, Social and Cultural Rights;

20. *Calls upon* the Islamic Republic of Iran to continue to translate the pledges made by the President of the Islamic Republic of Iran with respect to human rights concerns into concrete action that results in demonstrable improvements as soon as possible and to ensure that its national laws are consistent with its obligations under international human rights law and that they are implemented in accordance with its international obligations;

21. *Also calls upon* the Islamic Republic of Iran to address the substantive concerns highlighted in the reports of the Secretary-General and the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, as well

as the specific calls to action found in previous resolutions of the General Assembly, and to respect fully its human rights obligations in law and in practice;

22. *Strongly encourages* the relevant thematic special procedures mandate holders to pay particular attention to, with a view to investigating and reporting on, the human rights situation in the Islamic Republic of Iran;

23. *Requests* the Secretary-General to report to the General Assembly at its seventy-third session on the progress made in the implementation of the present resolution, including options and recommendations to improve its implementation, and to submit an interim report to the Human Rights Council at its thirty-seventh session;

24. *Decides* to continue its examination of the situation of human rights in the Islamic Republic of Iran at its seventy-third session under the item entitled "Promotion and protection of human rights".

73rd plenary meeting
19 December 2017